

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 237

Representatives Miller, K., Plummer

Cosponsors: Representatives Hall, Johnson, 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
4503.038, 4503.04, 4503.10, 4503.191, 4503.312, 4
4504.01, 4505.01, 4505.06, 4505.09, 4505.11, 5
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4513.221, 4513.263, 4517.01, 4519.01, 4519.02, 7
4519.03, 4519.031, 4519.04, 4519.05, 4519.08, 8
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4519.58, 4519.59, 4519.60, 4519.61, 4519.62, 14
4519.63, 4519.631, 4519.64, 4519.65, 4519.66, 15
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
4503.312, 4504.01, 4505.01, 4505.06, 4505.09, 4505.11, 4510.036, 28
4511.01, 4511.214, 4511.713, 4513.02, 4513.221, 4513.263, 29
4517.01, 4519.01, 4519.02, 4519.03, 4519.031, 4519.04, 4519.05, 30
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
4519.53, 4519.54, 4519.55, 4519.551, 4519.56, 4519.57, 4519.58, 34
4519.59, 4519.60, 4519.61, 4519.62, 4519.63, 4519.631, 4519.64, 35
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 any individual who has resided in 48

this state for not less than six months preceding the date of 49
making application for a license or permit. 50

(C) "Nonresident" means any individual who does not 51
qualify as a resident. 52

(D) "Division rule" or "rule" means any rule adopted by 53
the chief of the division of wildlife under section 1531.10 of 54
the Revised Code unless the context indicates otherwise. 55

(E) "Closed season" means that period of time during which 56
the taking of wild animals protected by this chapter and Chapter 57
1533. of the Revised Code is prohibited. 58

(F) "Open season" means that period of time during which 59
the taking of wild animals protected by this chapter and Chapter 60
1533. of the Revised Code is permitted. 61

(G) "Take or taking" includes pursuing, shooting, hunting, 62
killing, trapping, angling, fishing with a trotline, or netting 63
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 64
wild bird, or wild quadruped, and any lesser act, such as 65
wounding, or placing, setting, drawing, or using any other 66
device for killing or capturing any wild animal, whether it 67
results in killing or capturing the animal or not. "Take or 68
taking" includes every attempt to kill or capture and every act 69
of assistance to any other person in killing or capturing or 70
attempting to kill or capture a wild animal. 71

(H) "Possession" means both actual and constructive 72
possession and any control of things referred to. 73

(I) "Bag limit" means the number, measurement, or weight 74
of any kind of crayfish, aquatic insects, fish, frogs, turtles, 75
wild birds, and wild quadrupeds permitted to be taken. 76

(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	77 78
(K) "Sell and sale" means barter, exchange, or offer or expose for sale.	79 80
(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.	81 82 83 84
(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.	85 86 87 88 89 90 91 92
(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.	93 94 95
(O) "Fish" means a cold-blooded vertebrate having fins.	96
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	97 98
(Q) "Wild birds" includes game birds and nongame birds.	99
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	100 101
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar	102 103 104

partridge, woodcocks, black-breasted plover, golden plover,	105
Wilson's snipe or jacksnipe, greater and lesser yellowlegs,	106
rail, coots, gallinules, duck, geese, brant, and crows.	107
(T) "Nongame birds" includes all other wild birds not	108
included and defined as game birds or migratory game birds.	109
(U) "Wild quadrupeds" includes game quadrupeds and fur-	110
bearing animals.	111
(V) "Game quadrupeds" includes cottontail rabbits, gray	112
squirrels, black squirrels, fox squirrels, red squirrels, flying	113
squirrels, chipmunks, groundhogs or woodchucks, white-tailed	114
deer, wild boar, elk, and black bears.	115
(W) "Fur-bearing animals" includes minks, weasels,	116
raccoons, skunks, opossums, muskrats, fox, beavers, badgers,	117
otters, coyotes, and bobcats.	118
(X) "Wild animals" includes mollusks, crustaceans, aquatic	119
insects, fish, reptiles, amphibians, wild birds, wild	120
quadrupeds, and all other wild mammals, but does not include	121
domestic deer.	122
(Y) "Hunting" means pursuing, shooting, killing, following	123
after or on the trail of, lying in wait for, shooting at, or	124
wounding wild birds or wild quadrupeds while employing any	125
device commonly used to kill or wound wild birds or wild	126
quadrupeds whether or not the acts result in killing or	127
wounding. "Hunting" includes every attempt to kill or wound and	128
every act of assistance to any other person in killing or	129
wounding or attempting to kill or wound wild birds or wild	130
quadrupeds.	131
(Z) "Trapping" means securing or attempting to secure	132
possession of a wild bird or wild quadruped by means of setting,	133

placing, drawing, or using any device that is designed to close 134
upon, hold fast, confine, or otherwise capture a wild bird or 135
wild quadruped whether or not the means results in capture. 136
"Trapping" includes every act of assistance to any other person 137
in capturing wild birds or wild quadrupeds by means of the 138
device whether or not the means results in capture. 139

(AA) "Muskrat spear" means any device used in spearing 140
muskrats. 141

(BB) "Channels and passages" means those narrow bodies of 142
water lying between islands or between an island and the 143
mainland in Lake Erie. 144

(CC) "Island" means a rock or land elevation above the 145
waters of Lake Erie having an area of five or more acres above 146
water. 147

(DD) "Reef" means an elevation of rock, either broken or 148
in place, or gravel shown by the latest United States chart to 149
be above the common level of the surrounding bottom of the lake, 150
other than the rock bottom, or in place forming the base or 151
foundation rock of an island or mainland and sloping from the 152
shore of it. "Reef" also means all elevations shown by that 153
chart to be above the common level of the sloping base or 154
foundation rock of an island or mainland, whether running from 155
the shore of an island or parallel with the contour of the shore 156
of an island or in any other way and whether formed by rock, 157
broken or in place, or from gravel. 158

(EE) "Fur farm" means any area used exclusively for 159
raising fur-bearing animals or in addition thereto used for 160
hunting game, the boundaries of which are plainly marked as 161
such. 162

(FF) "Waters" includes any lake, pond, reservoir, stream, 163
channel, lagoon, or other body of water, or any part thereof, 164
whether natural or artificial. 165

(GG) "Crib" or "car" refers to that particular compartment 166
of the net from which the fish are taken when the net is lifted. 167

(HH) "Commercial fish" means those species of fish 168
permitted to be taken, possessed, bought, or sold unless 169
otherwise restricted by the Revised Code or division rule and 170
are alewife (*Alosa pseudoharengus*), American eel (*Anguilla*
rostrata), bowfin (*Amia calva*), burbot (*Lota lota*), carp 171
(*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), 172
bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead 173
(*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown 174
bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus*
punctatus), flathead catfish (*Pylodictis olivaris*), whitefish 175
(*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or 176
sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), 177
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 183
(*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo 184
and quillback (*Carpiodes* sp., *Catostomus* sp., *Hypentelium* sp., 185
Minytrema sp., *Moxostoma* sp.), white bass (*Morone chrysops*), 186
white perch (*Roccus americanus*), and yellow perch (*Perca*
flavescens). When the common name of a fish is used in this 187
chapter or Chapter 1533. of the Revised Code, it refers to the 188
fish designated by the scientific name in this definition. 189
190

(II) "Fishing" means taking or attempting to take fish by 191
any method, and all other acts such as placing, setting, 192

drawing, or using any device commonly used to take fish whether	193
resulting in a taking or not.	194
(JJ) "Fillet" means the pieces of flesh taken or cut from	195
both sides of a fish, joined to form one piece of flesh.	196
(KK) "Part fillet" means a piece of flesh taken or cut	197
from one side of a fish.	198
(LL) "Round" when used in describing fish means with head	199
and tail intact.	200
(MM) "Migrate" means the transit or movement of fish to or	201
from one place to another as a result of natural forces or	202
instinct and includes, but is not limited to, movement of fish	203
induced or caused by changes in the water flow.	204
(NN) "Spreader bar" means a brail or rigid bar placed	205
across the entire width of the back, at the top and bottom of	206
the cars in all trap, crib, and fyke nets for the purpose of	207
keeping the meshes hanging squarely while the nets are fishing.	208
(OO) "Fishing guide" means any person who, for	209
consideration or hire, operates a boat, rents, leases, or	210
otherwise furnishes angling devices, ice fishing shanties or	211
shelters of any kind, or other fishing equipment, and	212
accompanies, guides, directs, or assists any other person in	213
order for the other person to engage in fishing.	214
(PP) "Net" means fishing devices with meshes composed of	215
twine or synthetic material and includes, but is not limited to,	216
trap nets, fyke nets, crib nets, carp aprons, dip nets, and	217
seines, except minnow seines and minnow dip nets.	218
(QQ) "Commercial fishing gear" means seines, trap nets,	219
fyke nets, dip nets, carp aprons, trotlines, other similar gear,	220

and any boat used in conjunction with that gear, but does not 221
include gill nets. 222

(RR) "Native wildlife" means any species of the animal 223
kingdom indigenous to this state. 224

(SS) "Gill net" means a single section of fabric or 225
netting seamed to a float line at the top and a lead line at the 226
bottom, which is designed to entangle fish in the net openings 227
as they swim into it. 228

(TT) "Tag fishing tournament" means a contest in which a 229
participant pays a fee, or gives other valuable consideration, 230
for a chance to win a prize by virtue of catching a tagged or 231
otherwise specifically marked fish within a limited period of 232
time. 233

(UU) "Tenant" means an individual who resides on land for 234
which the individual pays rent and whose annual income is 235
primarily derived from agricultural production conducted on that 236
land, as "agricultural production" is defined in section 929.01 237
of the Revised Code. 238

(VV) "Nonnative wildlife" means any wild animal not 239
indigenous to this state, but does not include domestic deer. 240

(WW) "Reptiles" includes common musk turtle (*sternotherus* 241
odoratus), common snapping turtle (*Chelydra serpentina* 242
serpentina), spotted turtle (*Clemmys guttata*), eastern box 243
turtle (*Terrapene carolina carolina*), Blanding's turtle 244
(*Emydoidea blandingii*), common map turtle (*Graptemys* 245
geographica), ouachita map turtle (*Graptemys pseudogeographica* 246
ouachitensis), midland painted turtle (*Chrysemys picta* 247
marginata), red-eared slider (*Trachemys scripta elegans*), 248
eastern spiny softshell turtle (*Apalone spinifera spinifera*), 249

midland smooth softshell turtle (<i>Apalone mutica mutica</i>),	250
northern fence lizard (<i>Sceloporus undulatus hyacinthinus</i>),	251
ground skink (<i>Scincella lateralis</i>), five-lined skink (<i>Eumeces fasciatus</i>), broadhead skink (<i>Eumeces laticeps</i>), northern coal	252
skink (<i>Eumeces anthracinus anthracinus</i>), European wall lizard	253
(<i>Podarcis muralis</i>), queen snake (<i>Regina septemvittata</i>),	254
Kirtland's snake (<i>Clonophis kirtlandii</i>), northern water snake	255
(<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake (<i>Nerodia sipedon</i>	256
<i>insularum</i>), copperbelly water snake (<i>Nerodia erythrogaster</i>	257
<i>neglecta</i>), northern brown snake (<i>Storeria dekayi dekayi</i>),	258
midland brown snake (<i>Storeria dekayi wrightorum</i>), northern	259
redbelly snake (<i>Storeria occipitomaculata occipitomaculata</i>),	260
eastern garter snake (<i>Thamnophis sirtalis sirtalis</i>), eastern	261
plains garter snake (<i>Thamnophis radix radix</i>), Butler's garter	262
snake (<i>Thamnophis butleri</i>), shorthead garter snake (<i>Thamnophis</i>	263
<i>brachystoma</i>), eastern ribbon snake (<i>Thamnophis sauritus</i>	264
<i>sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	265
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	266
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>),	267
northern ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest	268
worm snake (<i>Carphophis amoenus helenae</i>), eastern worm snake	269
(<i>Carphophis amoenus amoenus</i>), black racer (<i>Coluber constrictor</i>	270
<i>constrictor</i>), blue racer (<i>Coluber constrictor foxii</i>), rough	271
green snake (<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys</i>	272
<i>vernalis vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>),	273
eastern fox snake (<i>Elaphe vulpina gloydi</i>), black kingsnake	274
(<i>Lampropeltis getula nigra</i>), eastern milk snake (<i>Lampropeltis</i>	275
<i>triangulum triangulum</i>), northern copperhead (<i>Agkistrodon</i>	276
<i>contortrix mokasen</i>), eastern massasauga (<i>Sistrurus catenatus</i>	277
<i>catenatus</i>), and timber rattlesnake (<i>Crotalus horridus horridus</i>).	278
(XX) "Amphibians" includes eastern hellbender	279
	280

(Cryptobranchus alleganiensis alleganiensis), mudpuppy (Necturus maculosus maculosus),	281
red-spotted newt (Notophthalmus viridescens viridescens),	282
Jefferson salamander (Ambystoma jeffersonianum),	283
spotted salamander (Ambystoma maculatum),	284
blue-spotted salamander (Ambystoma laterale),	285
smallmouth salamander (Ambystoma texanum),	286
streamside salamander (Ambystoma barbouri),	287
marbled salamander (Ambystoma opacum),	288
eastern tiger salamander (Ambystoma tigrinum tigrinum),	289
northern dusky salamander (Desmognathus fuscus fuscus),	290
mountain dusky salamander (Desmognathus ochrophaeus),	291
redback salamander (Plethodon cinereus),	292
ravine salamander (Plethodon richmondi),	293
northern slimy salamander (Plethodon glutinosus),	294
Wehrle's salamander (Plethodon wehrlei),	295
four-toed salamander (Hemidactylium scutatum),	296
Kentucky spring salamander (Gyrinophilus porphyriticus duryi),	297
northern spring salamander (Gyrinophilus porphyriticus porphyriticus),	298
mud salamander (Pseudotriton montanus),	299
northern red salamander (Pseudotriton ruber ruber),	300
green salamander (Aneides aeneus),	301
northern two-lined salamander (Eurycea bislineata),	302
longtail salamander (Eurycea longicauda longicauda),	303
cave salamander (Eurycea lucifuga),	304
southern two-lined salamander (Eurycea cirrigera),	305
Fowler's toad (Bufo woodhousii fowleri),	306
American toad (Bufo americanus),	307
eastern spadefoot (Scaphiopus holbrookii),	308
Blanchard's cricket frog (Acris crepitans blanchardi),	309
northern spring peeper (Pseudacris crucifer crucifer),	310
gray treefrog (Hyla versicolor),	311
Cope's gray treefrog (Hyla chrysoscelis),	
western chorus frog (Pseudacris triseriata triseriata),	
mountain chorus frog (Pseudacris brachyphona),	
bullfrog (Rana catesbeiana),	
green frog (Rana clamitans melanota),	
northern leopard frog (Rana pipiens),	
pickrel frog (Rana palustris),	
southern leopard frog (Rana utricularia),	
and wood frog (Rana sylvatica).	

(YY) "Deer" means white-tailed deer (Odocoileus virginianus).	312 313
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	314 315 316
(AAA) "Migratory game bird" includes waterfowl (Anatidae); doves (Columbidae); cranes (Gruidae); cormorants (Phalacrocoracidae); rails, coots, and gallinules (Rallidae); and woodcock and snipe (Scolopacidae).	317 318 319 320
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	321 322 323
(CCC) "All-purpose-All-terrain vehicle" means any vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all terrain vehicles, all season vehicles, mini-bikes, and trail bikes <u>has the same meaning as in section 4519.01 of the Revised Code.</u>	324 325 326 327 328 329 330 331
(DDD) "Wholly enclosed preserve" means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the division of wildlife may approve, where game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license or captive white-tailed deer propagation license obtained under section 1533.71 of the Revised Code.	332 333 334 335 336 337 338 339 340

(EEE) "Commercial bird shooting preserve" means an area of 341
land where game birds are released and hunted by shooting as 342
authorized by a commercial bird shooting preserve license 343
obtained under section 1533.72 of the Revised Code. 344

(FFF) "Wild animal hunting preserve" means an area of land 345
where game, captive white-tailed deer, and nonnative wildlife, 346
other than game birds, are released and hunted as authorized by 347
a wild animal hunting preserve license obtained under section 348
1533.721 of the Revised Code. 349

(GGG) "Captive white-tailed deer" means legally acquired 350
deer that are held in private ownership at a facility licensed 351
under section 943.03 or 943.031 of the Revised Code and under 352
section 1533.71 or 1533.721 of the Revised Code. 353

Sec. 1533.01. As used in this chapter, "person," 354
"resident," "nonresident," "division rule," "rule," "closed 355
season," "open season," "take or taking," "possession," "bag 356
limit," "transport and transportation," "sell and sale," "whole 357
to include part," "angling," "trotline," "fish," "measurement of 358
fish," "wild birds," "game," "game birds," "nongame birds," 359
"wild quadrupeds," "game quadrupeds," "fur-bearing animals," 360
"wild animals," "hunting," "trapping," "muskrat spear," 361
"channels and passages," "island," "reef," "fur farm," "waters," 362
"crib," "car," "commercial fish," "fishing," "fillet," "part 363
fillet," "round," "migrate," "spreader bar," "fishing guide," 364
"net," "commercial fishing gear," "native wildlife," "gill net," 365
"tag fishing tournament," "tenant," "nonnative wildlife," 366
"reptiles," "amphibians," "deer," "domestic deer," "migratory 367
game bird," "accompany," "~~all-purpose-all-terrain~~ vehicle," 368
"wholly enclosed preserve," "commercial bird shooting preserve," 369
"wild animal hunting preserve," and "captive white-tailed deer" 370

have the same meanings as in section 1531.01 of the Revised Code. 371
372

Sec. 1533.103. The chief of the division of wildlife shall 373
adopt rules under section 1531.10 of the Revised Code that are 374
necessary to administer the issuance of permits for the use of 375
~~all-purpose-all-terrain~~ vehicles or motor vehicles by persons 376
with mobility impairments to hunt wild quadrupeds or game birds 377
in public and private areas. The rules shall establish 378
eligibility requirements, an application procedure, the duration 379
of a permit, identification and designation of public and 380
private areas in which ~~all-purpose-all-terrain~~ vehicles or motor 381
vehicles may be used by permit holders, and any other procedures 382
and requirements governing the permits that the chief determines 383
are necessary. The chief shall not charge a fee for the issuance 384
of a permit under this section. 385

Sec. 1533.18. As used in sections 1533.18 and 1533.181 of 386
the Revised Code: 387

(A) "Premises" means all privately owned lands, ways, and 388
waters, and any buildings and structures thereon, and all 389
privately owned and state-owned lands, ways, and waters leased 390
to a private person, firm, or organization, including any 391
buildings and structures thereon. 392

(B) "Recreational user" means a person to whom permission 393
has been granted, without the payment of a fee or consideration 394
to the owner, lessee, or occupant of premises, other than a fee 395
or consideration paid to the state or any agency of the state, 396
or a lease payment or fee paid to the owner of privately owned 397
lands, to enter upon premises to hunt, fish, trap, camp, hike, 398
or swim, or to operate a snowmobile, ~~all-purpose-all-terrain~~ 399
vehicle, or four-wheel drive motor vehicle, or to engage in 400

other recreational pursuits. 401

(C) "~~All-purpose~~ All-terrain vehicle" has the same meaning 402
as in section 4519.01 of the Revised Code. 403

Sec. 2131.12. (A) As used in this section and section 404
2131.13 of the Revised Code: 405

(1) "Motor vehicle" has the same meaning as in section 406
4505.01 of the Revised Code. 407

(2) "Joint ownership with right of survivorship" means a 408
form of ownership of a ~~motor vehicle, all-purpose vehicle, off-~~ 409
~~highway motorcycle, watercraft, or outboard motor~~ titled mode of 410
transportation that is established pursuant to this section and 411
pursuant to which the entire interest in the ~~motor vehicle, all-~~ 412
~~purpose vehicle, off-highway motorcycle, watercraft, or outboard~~ 413
~~motor~~ titled mode of transportation is held by two persons for 414
their joint lives and thereafter by the survivor of them. 415

(3) "Watercraft" has the same meaning as in division (A) 416
of section 1548.01 of the Revised Code. 417

(4) "~~All-purpose~~ All-terrain vehicle," ~~has~~ "off-highway 418
motorcycle," "snowmobile," and "mini-truck" have the same 419
~~meaning~~ meanings as in section 4519.01 of the Revised Code. 420

(5) "~~Off-highway motorcycle~~ Utility vehicle" has the same 421
meaning as in section ~~4519.01~~ 4501.01 of the Revised Code. 422

(6) "Certificate of title" means a certificate of title 423
for a titled mode of transportation that is required or 424
authorized to be titled under Chapter 1548., 4505., or 4519. of 425
the Revised Code. 426

(7) "Titled mode of transportation" means a motor vehicle, 427
an all-terrain vehicle, an off-highway motorcycle, a snowmobile, 428

a mini-truck, a utility vehicle, a watercraft, or an outboard 429
motor. 430

(B) (1) Any two persons may establish in accordance with 431
this section joint ownership with right of survivorship in a 432
~~motor vehicle, an all-purpose vehicle, an off-highway~~ 433
~~motorcycle, a watercraft, or an outboard motor~~ titled mode of 434
transportation for which a certificate of title is required or 435
authorized under Chapter 1548., 4505., or 4519. of the Revised 436
Code. 437

(2) If two persons wish to establish joint ownership with 438
right of survivorship in a ~~motor vehicle, an all-purpose~~ 439
~~vehicle, an off-highway motorcycle, a watercraft, or an outboard~~ 440
~~motor~~ titled mode of transportation that is required or 441
authorized to be titled under Chapter 1548., 4505., or 4519. of 442
the Revised Code, they may make a joint application for a 443
certificate of title under section 1548.07, 4505.06, or 4519.55 444
of the Revised Code, as applicable. 445

(C) If two persons have established ~~in a certificate of~~ 446
~~title~~ joint ownership with right of survivorship in a ~~motor~~ 447
~~vehicle, an all-purpose vehicle, an off-highway motorcycle, a~~ 448
~~watercraft, or an outboard motor~~ that is required to be titled 449
~~under Chapter 1548., 4505., or 4519. of the Revised Code, and if~~ 450
~~one of those persons dies~~ certificate of title, the interest of 451
the deceased person in the ~~motor vehicle, all purpose vehicle,~~ 452
~~off-highway motorcycle, watercraft, or outboard motor~~ titled 453
mode of transportation shall pass to the survivor of them upon 454
transfer of title to the ~~motor vehicle, all-purpose vehicle,~~ 455
~~off-highway motorcycle, watercraft, or outboard motor~~ titled 456
mode of transportation in accordance with section 1548.11, 457
4505.10, or 4519.60 of the Revised Code. The ~~motor vehicle, all-~~ 458

~~purpose vehicle, off highway motorcycle, watercraft, or outboard~~ 459
~~motor-titled mode of transportation~~ shall not be considered an 460
estate asset and shall not be included and stated in the estate 461
inventory. 462

Sec. 2131.13. (A) As used in this section: 463

(1) "Designate or designation in beneficiary form" means 464
to designate, or the designation of, a ~~motor vehicle, an all-~~ 465
~~purpose vehicle, an off highway motorcycle, a watercraft, or an~~ 466
~~outboard motor-titled mode of transportation~~ in a certificate of 467
title that indicates the present owner of the ~~motor vehicle,~~ 468
~~all-purpose vehicle, off highway motorcycle, watercraft, or~~ 469
~~outboard motor-titled mode of transportation~~ and the intention 470
of the present owner with respect to the transfer of ownership 471
on the present owner's death by designating one or more persons 472
as the beneficiary or beneficiaries who will become the owner or 473
owners of the ~~motor vehicle, all purpose vehicle, off highway-~~ 474
~~motorcycle, watercraft, or outboard motor-titled mode of~~ 475
~~transportation~~ upon the death of the present owner. 476

(2) ~~"Motor vehicle" has the same meaning as in section-~~ 477
~~4505.01 of the Revised Code.~~ 478

~~(3)~~ "Person" means an individual, a corporation, an 479
organization, or other legal entity. 480

~~(4)~~ (3) "Transfer-on-death beneficiary or beneficiaries" 481
means a person or persons specified in a certificate of title of 482
a ~~motor vehicle, all purpose vehicle, off highway motorcycle,~~ 483
~~watercraft, or outboard motor-titled mode of transportation~~ who 484
will become the owner or owners of the ~~motor vehicle, all-~~ 485
~~purpose vehicle, off highway motorcycle, watercraft, or outboard-~~ 486
~~motor-titled mode of transportation~~ upon the death of the 487

present owner of the ~~motor vehicle, all purpose vehicle, off-~~ 488
~~highway motorcycle, watercraft, or outboard motor~~ titled mode of 489
transportation. 490

~~(5) "Watercraft" has the same meaning as in section~~ 491
~~1548.01 of the Revised Code.~~ 492

~~(6)~~ (4) "Owner" includes the plural as well as the 493
singular, as specified in section 1.43 of the Revised Code. 494

~~(7) "Joint ownership with right of survivorship" has the~~ 495
~~same meaning as in section 2131.12 of the Revised Code.~~ 496

~~(8) "All purpose vehicle" has the same meaning as in~~ 497
~~section 4519.01 of the Revised Code.~~ 498

~~(9) "Off-highway motorcycle" has the same meaning as in~~ 499
~~section 4519.01 of the Revised Code.~~ 500

(B) (1) An individual whose certificate of title of a ~~motor-~~ 501
~~vehicle, all purpose vehicle, off-highway motorcycle,~~ 502
~~watercraft, or outboard motor~~ titled mode of transportation 503
shows sole ownership by that individual may make an application 504
for a certificate of title under section 1548.07, 4505.06, or 505
4519.55 of the Revised Code, as applicable, to designate that 506
~~motor vehicle, all purpose vehicle, off-highway motorcycle,~~ 507
~~watercraft, or outboard motor~~ titled mode of transportation in 508
beneficiary form pursuant to this section. 509

(2) Individuals whose certificate of title of a ~~motor-~~ 510
~~vehicle, all purpose vehicle, off-highway motorcycle,~~ 511
~~watercraft, or outboard motor~~ titled mode of transportation 512
shows joint ownership with right of survivorship may jointly 513
make an application for a certificate of title under section 514
1548.07, 4505.06, or 4519.55 of the Revised Code, as applicable, 515
to designate that ~~motor vehicle, all purpose vehicle, off-~~ 516

~~highway motorcycle, watercraft, or outboard motor titled mode of~~ 517
transportation in beneficiary form pursuant to this section. 518

(C) (1) A ~~motor vehicle, all purpose vehicle, off-highway~~ 519
~~motorcycle, watercraft, or outboard motor titled mode of~~ 520
transportation is designated in beneficiary form if the 521
certificate of title of the ~~motor vehicle, all purpose vehicle,~~ 522
~~off-highway motorcycle, watercraft, or outboard motor titled~~ 523
mode of transportation includes the name or names of the 524
transfer-on-death beneficiary or beneficiaries. 525

(2) The designation of a ~~motor vehicle, all purpose~~ 526
~~vehicle, off-highway motorcycle, watercraft, or outboard motor~~ 527
titled mode of transportation in beneficiary form is not 528
required to be supported by consideration, and the certificate 529
of title in which the designation is made is not required to be 530
delivered to the transfer-on-death beneficiary or beneficiaries 531
in order for the designation in beneficiary form to be 532
effective. 533

(D) The designation of a ~~motor vehicle, all purpose~~ 534
~~vehicle, off-highway motorcycle, watercraft, or outboard motor~~ 535
titled mode of transportation in beneficiary form may be shown 536
in the certificate of title by the words "transfer-on-death" or 537
the abbreviation "TOD" after the name of the owner of a ~~motor~~ 538
~~vehicle, all purpose vehicle, off-highway motorcycle,~~ 539
~~watercraft, or outboard motor titled mode of transportation~~ and 540
before the name or names of the transfer-on-death beneficiary or 541
beneficiaries. 542

(E) The designation of a transfer-on-death beneficiary or 543
beneficiaries on a certificate of title has no effect on the 544
ownership of a ~~motor vehicle, all purpose vehicle, off-highway~~ 545
~~motorcycle, watercraft, or outboard motor titled mode of~~ 546

transportation until the death of the owner of the ~~motor~~ 547
~~vehicle, all-purpose vehicle, off-highway motorcycle,~~ 548
~~watercraft, or outboard motor~~titled mode of transportation. The 549
owner of a ~~motor vehicle, all-purpose vehicle, off-highway~~ 550
~~motorcycle, watercraft, or outboard motor~~ titled mode of 551
transportation may cancel or change the designation of a 552
transfer-on-death beneficiary or beneficiaries on a certificate 553
of title at any time without the consent of the transfer-on- 554
death beneficiary or beneficiaries by making an application for 555
a certificate of title under section 1548.07, 4505.06, or 556
4519.55 of the Revised Code, as applicable. 557

(F) (1) Upon the death of the owner of a ~~motor vehicle,~~ 558
~~all-purpose vehicle, off-highway motorcycle, watercraft, or~~ 559
~~outboard motor~~ titled mode of transportation designated in 560
beneficiary form, the ownership of the ~~motor vehicle, all-~~ 561
~~purpose vehicle, off-highway motorcycle, watercraft, or outboard~~ 562
~~motor~~ titled mode of transportation shall pass to the transfer- 563
on-death beneficiary or beneficiaries who survive the owner upon 564
transfer of title to the ~~motor vehicle, all-purpose vehicle,~~ 565
~~off-highway motorcycle, watercraft, or outboard motor~~ titled 566
mode of transportation in accordance with section 1548.11, 567
4505.10, or 4519.60 of the Revised Code, as applicable. The 568
transfer-on-death beneficiary or beneficiaries who survive the 569
owner may apply for a certificate of title to the ~~motor vehicle,~~ 570
~~all-purpose vehicle, off-highway motorcycle, watercraft, or~~ 571
~~outboard motor~~ titled mode of transportation upon submitting 572
proof of the death of the owner of the ~~motor vehicle, all-~~ 573
~~purpose vehicle, off-highway motorcycle, watercraft, or outboard~~ 574
~~motor~~titled mode of transportation. 575

(2) If no transfer-on-death beneficiary or beneficiaries 576
survive the owner of a ~~motor vehicle, watercraft, or outboard~~ 577

~~motor~~titled mode of transportation, the ~~motor vehicle~~,
~~watercraft, or outboard motor~~ titled mode of transportation
shall be included in the probate estate of the deceased owner.

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

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

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

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

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

Sec. 2744.01. As used in this chapter:

(A) "Emergency call" means a call to duty, including, but

not limited to, communications from citizens, police dispatches, 607
and personal observations by peace officers of inherently 608
dangerous situations that demand an immediate response on the 609
part of a peace officer. 610

(B) "Employee" means an officer, agent, employee, or 611
servant, whether or not compensated or full-time or part-time, 612
who is authorized to act and is acting within the scope of the 613
officer's, agent's, employee's, or servant's employment for a 614
political subdivision. "Employee" does not include an 615
independent contractor and does not include any individual 616
engaged by a school district pursuant to section 3319.301 of the 617
Revised Code. "Employee" includes any elected or appointed 618
official of a political subdivision. "Employee" also includes a 619
person who has been convicted of or pleaded guilty to a criminal 620
offense and who has been sentenced to perform community service 621
work in a political subdivision whether pursuant to section 622
2951.02 of the Revised Code or otherwise, and a child who is 623
found to be a delinquent child and who is ordered by a juvenile 624
court pursuant to section 2152.19 or 2152.20 of the Revised Code 625
to perform community service or community work in a political 626
subdivision. 627

(C) (1) "Governmental function" means a function of a 628
political subdivision that is specified in division (C) (2) of 629
this section or that satisfies any of the following: 630

(a) A function that is imposed upon the state as an 631
obligation of sovereignty and that is performed by a political 632
subdivision voluntarily or pursuant to legislative requirement; 633

(b) A function that is for the common good of all citizens 634
of the state; 635

(c) A function that promotes or preserves the public 636
peace, health, safety, or welfare; that involves activities that 637
are not engaged in or not customarily engaged in by 638
nongovernmental persons; and that is not specified in division 639
(G) (2) of this section as a proprietary function. 640

(2) A "governmental function" includes, but is not limited 641
to, the following: 642

(a) The provision or nonprovision of police, fire, 643
emergency medical, ambulance, and rescue services or protection; 644

(b) The power to preserve the peace; to prevent and 645
suppress riots, disturbances, and disorderly assemblages; to 646
prevent, mitigate, and clean up releases of oil and hazardous 647
and extremely hazardous substances as defined in section 3750.01 648
of the Revised Code; and to protect persons and property; 649

(c) The provision of a system of public education; 650

(d) The provision of a free public library system; 651

(e) The regulation of the use of, and the maintenance and 652
repair of, roads, highways, streets, avenues, alleys, sidewalks, 653
bridges, aqueducts, viaducts, and public grounds; 654

(f) Judicial, quasi-judicial, prosecutorial, legislative, 655
and quasi-legislative functions; 656

(g) The construction, reconstruction, repair, renovation, 657
maintenance, and operation of buildings that are used in 658
connection with the performance of a governmental function, 659
including, but not limited to, office buildings and courthouses; 660

(h) The design, construction, reconstruction, renovation, 661
repair, maintenance, and operation of jails, places of juvenile 662
detention, workhouses, or any other detention facility, as 663

defined in section 2921.01 of the Revised Code; 664

(i) The enforcement or nonperformance of any law; 665

(j) The regulation of traffic, and the erection or 666
nonerection of traffic signs, signals, or control devices; 667

(k) The collection and disposal of solid wastes, as 668
defined in section 3734.01 of the Revised Code, including, but 669
not limited to, the operation of solid waste disposal 670
facilities, as "facilities" is defined in that section, and the 671
collection and management of hazardous waste generated by 672
households. As used in division (C) (2) (k) of this section, 673
"hazardous waste generated by households" means solid waste 674
originally generated by individual households that is listed 675
specifically as hazardous waste in or exhibits one or more 676
characteristics of hazardous waste as defined by rules adopted 677
under section 3734.12 of the Revised Code, but that is excluded 678
from regulation as a hazardous waste by those rules. 679

(l) The provision or nonprovision, planning or design, 680
construction, or reconstruction of a public improvement, 681
including, but not limited to, a sewer system; 682

(m) The operation of a job and family services department 683
or agency, including, but not limited to, the provision of 684
assistance to aged and infirm persons and to persons who are 685
indigent; 686

(n) The operation of a health board, department, or 687
agency, including, but not limited to, any statutorily required 688
or permissive program for the provision of immunizations or 689
other inoculations to all or some members of the public, 690
provided that a "governmental function" does not include the 691
supply, manufacture, distribution, or development of any drug or 692

vaccine employed in any such immunization or inoculation program	693
by any supplier, manufacturer, distributor, or developer of the	694
drug or vaccine;	695
(o) The operation of mental health facilities,	696
developmental disabilities facilities, alcohol treatment and	697
control centers, and children's homes or agencies;	698
(p) The provision or nonprovision of inspection services	699
of all types, including, but not limited to, inspections in	700
connection with building, zoning, sanitation, fire, plumbing,	701
and electrical codes, and the taking of actions in connection	702
with those types of codes, including, but not limited to, the	703
approval of plans for the construction of buildings or	704
structures and the issuance or revocation of building permits or	705
stop work orders in connection with buildings or structures;	706
(q) Urban renewal projects and the elimination of slum	707
conditions, including the performance of any activity that a	708
county land reutilization corporation is authorized to perform	709
under Chapter 1724. or 5722. of the Revised Code;	710
(r) Flood control measures;	711
(s) The design, construction, reconstruction, renovation,	712
operation, care, repair, and maintenance of a township cemetery;	713
(t) The issuance of revenue obligations under section	714
140.06 of the Revised Code;	715
(u) The design, construction, reconstruction, renovation,	716
repair, maintenance, and operation of any school athletic	717
facility, school auditorium, or gymnasium or any recreational	718
area or facility, including, but not limited to, any of the	719
following:	720

(i) A park, playground, or playfield;	721
(ii) An indoor recreational facility;	722
(iii) A zoo or zoological park;	723
(iv) A bath, swimming pool, pond, water park, wading pool, wave pool, water slide, or other type of aquatic facility;	724 725
(v) A golf course;	726
(vi) A bicycle motocross facility or other type of recreational area or facility in which bicycling, skating, skate boarding, or scooter riding is engaged;	727 728 729
(vii) A rope course or climbing walls;	730
(viii) An all-purpose-all-terrain vehicle facility in which all-purpose-all-terrain vehicles, as defined in section 4519.01 of the Revised Code, are contained, maintained, or operated for recreational activities.	731 732 733 734
(v) The provision of public defender services by a county or joint county public defender's office pursuant to Chapter 120. of the Revised Code;	735 736 737
(w) (i) At any time before regulations prescribed pursuant to 49 U.S.C.A 20153 become effective, the designation, establishment, design, construction, implementation, operation, repair, or maintenance of a public road rail crossing in a zone within a municipal corporation in which, by ordinance, the legislative authority of the municipal corporation regulates the sounding of locomotive horns, whistles, or bells;	738 739 740 741 742 743 744
(ii) On and after the effective date of regulations prescribed pursuant to 49 U.S.C.A. 20153, the designation, establishment, design, construction, implementation, operation,	745 746 747

repair, or maintenance of a public road rail crossing in such a 748
zone or of a supplementary safety measure, as defined in 49 749
U.S.C.A 20153, at or for a public road rail crossing, if and to 750
the extent that the public road rail crossing is excepted, 751
pursuant to subsection (c) of that section, from the requirement 752
of the regulations prescribed under subsection (b) of that 753
section. 754

(x) A function that the general assembly mandates a 755
political subdivision to perform. 756

(D) "Law" means any provision of the constitution, 757
statutes, or rules of the United States or of this state; 758
provisions of charters, ordinances, resolutions, and rules of 759
political subdivisions; and written policies adopted by boards 760
of education. When used in connection with the "common law," 761
this definition does not apply. 762

(E) "Motor vehicle" has the same meaning as in section 763
4511.01 of the Revised Code. 764

(F) "Political subdivision" or "subdivision" means a 765
municipal corporation, township, county, school district, or 766
other body corporate and politic responsible for governmental 767
activities in a geographic area smaller than that of the state. 768
"Political subdivision" includes, but is not limited to, a 769
county hospital commission appointed under section 339.14 of the 770
Revised Code, board of hospital commissioners appointed for a 771
municipal hospital under section 749.04 of the Revised Code, 772
board of hospital trustees appointed for a municipal hospital 773
under section 749.22 of the Revised Code, regional planning 774
commission created pursuant to section 713.21 of the Revised 775
Code, county planning commission created pursuant to section 776
713.22 of the Revised Code, joint planning council created 777

pursuant to section 713.231 of the Revised Code, interstate 778
regional planning commission created pursuant to section 713.30 779
of the Revised Code, port authority created pursuant to section 780
4582.02 or 4582.26 of the Revised Code or in existence on 781
December 16, 1964, regional council established by political 782
subdivisions pursuant to Chapter 167. of the Revised Code, 783
emergency planning district and joint emergency planning 784
district designated under section 3750.03 of the Revised Code, 785
joint emergency medical services district created pursuant to 786
section 307.052 of the Revised Code, fire and ambulance district 787
created pursuant to section 505.375 of the Revised Code, joint 788
interstate emergency planning district established by an 789
agreement entered into under that section, county solid waste 790
management district and joint solid waste management district 791
established under section 343.01 or 343.012 of the Revised Code, 792
community school established under Chapter 3314. of the Revised 793
Code, county land reutilization corporation organized under 794
Chapter 1724. of the Revised Code, the county or counties served 795
by a community-based correctional facility and program or 796
district community-based correctional facility and program 797
established and operated under sections 2301.51 to 2301.58 of 798
the Revised Code, a community-based correctional facility and 799
program or district community-based correctional facility and 800
program that is so established and operated, and the facility 801
governing board of a community-based correctional facility and 802
program or district community-based correctional facility and 803
program that is so established and operated. 804

(G) (1) "Proprietary function" means a function of a 805
political subdivision that is specified in division (G) (2) of 806
this section or that satisfies both of the following: 807

(a) The function is not one described in division (C) (1) 808

(a) or (b) of this section and is not one specified in division	809
(C) (2) of this section;	810
(b) The function is one that promotes or preserves the	811
public peace, health, safety, or welfare and that involves	812
activities that are customarily engaged in by nongovernmental	813
persons.	814
(2) A "proprietary function" includes, but is not limited	815
to, the following:	816
(a) The operation of a hospital by one or more political	817
subdivisions;	818
(b) The design, construction, reconstruction, renovation,	819
repair, maintenance, and operation of a public cemetery other	820
than a township cemetery;	821
(c) The establishment, maintenance, and operation of a	822
utility, including, but not limited to, a light, gas, power, or	823
heat plant, a railroad, a busline or other transit company, an	824
airport, and a municipal corporation water supply system;	825
(d) The maintenance, destruction, operation, and upkeep of	826
a sewer system;	827
(e) The operation and control of a public stadium,	828
auditorium, civic or social center, exhibition hall, arts and	829
crafts center, band or orchestra, or off-street parking	830
facility.	831
(H) "Public roads" means public roads, highways, streets,	832
avenues, alleys, and bridges within a political subdivision.	833
"Public roads" does not include berms, shoulders, rights-of-way,	834
or traffic control devices unless the traffic control devices	835
are mandated by the Ohio manual of uniform traffic control	836

devices. 837

(I) "State" means the state of Ohio, including, but not 838
limited to, the general assembly, the supreme court, the offices 839
of all elected state officers, and all departments, boards, 840
offices, commissions, agencies, colleges and universities, 841
institutions, and other instrumentalities of the state of Ohio. 842
"State" does not include political subdivisions. 843

Sec. 2911.21. (A) No person, without privilege to do so, 844
shall do any of the following: 845

(1) Knowingly enter or remain on the land or premises of 846
another; 847

(2) Knowingly enter or remain on the land or premises of 848
another, the use of which is lawfully restricted to certain 849
persons, purposes, modes, or hours, when the offender knows the 850
offender is in violation of any such restriction or is reckless 851
in that regard; 852

(3) Recklessly enter or remain on the land or premises of 853
another, as to which notice against unauthorized access or 854
presence is given by actual communication to the offender, or in 855
a manner prescribed by law, or by posting in a manner reasonably 856
calculated to come to the attention of potential intruders, or 857
by fencing or other enclosure manifestly designed to restrict 858
access; 859

(4) Being on the land or premises of another, negligently 860
fail or refuse to leave upon being notified by signage posted in 861
a conspicuous place or otherwise being notified to do so by the 862
owner or occupant, or the agent or servant of either; 863

(5) Knowingly enter or remain on a critical infrastructure 864
facility. 865

(B) It is no defense to a charge under this section that 866
the land or premises involved was owned, controlled, or in 867
custody of a public agency. 868

(C) It is no defense to a charge under this section that 869
the offender was authorized to enter or remain on the land or 870
premises involved, when such authorization was secured by 871
deception. 872

(D) (1) Whoever violates this section is guilty of criminal 873
trespass. Criminal trespass in violation of division (A) (1), 874
(2), (3), or (4) of this section is a misdemeanor of the fourth 875
degree. Criminal trespass in violation of division (A) (5) of 876
this section is a misdemeanor of the first degree. 877

(2) Notwithstanding section 2929.28 of the Revised Code, 878
if the person, in committing the violation of this section, used 879
a snowmobile, off-highway motorcycle, utility vehicle, or ~~all-~~ 880
~~purpose-all-terrain~~ vehicle, the court shall impose a fine of 881
two times the usual amount imposed for the violation. 882

(3) If an offender previously has been convicted of or 883
pleaded guilty to two or more violations of this section or a 884
substantially equivalent municipal ordinance, and the offender, 885
in committing each violation, used a snowmobile, off-highway 886
motorcycle, utility vehicle, or ~~all-purpose-all-terrain~~ vehicle, 887
the court, in addition to or independent of all other penalties 888
imposed for the violation, may impound the certificate of 889
registration of that snowmobile or off-highway motorcycle or the 890
certificate of registration and license plate of that ~~all-~~ 891
~~purpose-utility vehicle or all-terrain~~ vehicle for not less than 892
sixty days. In such a case, section 4519.47 of the Revised Code 893
applies. 894

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

(F) As used in this section:

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

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

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

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

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

(a) One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization:

(i) A petroleum or alumina refinery;

(ii) An electric generating facility, substation,

switching station, electrical control center, or electric	923
transmission and distribution lines and associated equipment;	924
(iii) A chemical, polymer, or rubber manufacturing	925
facility;	926
(iv) A water intake structure, water treatment facility,	927
waste water facility, drainage facility, water management	928
facility, or any similar water or sewage treatment system and	929
its water and sewage piping;	930
(v) A natural gas company facility or interstate natural	931
gas pipeline, including a pipeline interconnection, a natural	932
gas compressor station and associated facilities, city gate or	933
town border station, metering station, above-ground piping,	934
regulator station, valve site, delivery station, fabricated	935
assembly, or any other part of a natural gas storage facility	936
involved in the gathering, storage, transmission, or	937
distribution of gas;	938
(vi) A telecommunications central switching office or	939
remote switching facility or an equivalent network facility that	940
serves a similar purpose;	941
(vii) Wireline or wireless telecommunications	942
infrastructure, including telecommunications towers and	943
telephone poles and lines, including fiber optic lines;	944
(viii) A port, trucking terminal, or other freight	945
transportation facility;	946
(ix) A gas processing plant, including a plant used in the	947
processing, treatment, or fractionation of natural gas or	948
natural gas liquids;	949
(x) A transmission facility used by a federally licensed	950

radio or television station;	951
(xi) A steel-making facility that uses an electric arc furnace to make steel;	952 953
(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;	954 955 956
(xiii) A dam that is regulated by the state or federal government;	957 958
(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;	959 960 961 962 963
(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.	964 965 966 967 968
(xvi) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;	969 970
(xvii) Any above-ground portion of a well, well pad, or production operation;	971 972
(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;	973 974 975
(xix) Any mining operation, including any processing equipment, batching operation, or support facility for that mining operation.	976 977 978

(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;	979 980 981 982
(c) Any railroad property;	983
(d) An electronic asset of any of the following:	984
(i) An electric light company that is a public utility under section 4905.02 of the Revised Code;	985 986
(ii) An electric cooperative, as defined in section 4928.01 of the Revised Code;	987 988
(iii) A municipal electric utility, as defined in section 4928.01 of the Revised Code;	989 990
(iv) A natural gas company that is a public utility under section 4905.02 of the Revised Code;	991 992
(v) A telephone company that is a public utility under section 4905.02 of the Revised Code;	993 994
(vi) A video service provider, including a cable operator, as those terms are defined in section 1332.21 of the Revised Code.	995 996 997
(5) (6) "Electronic asset" includes, but is not limited to, the hardware, software, and data of a programmable electronic device; all communications, operations, and customer data networks; and the contents of those data networks.	998 999 1000 1001
Sec. 2921.331. (A) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic.	1002 1003 1004
(B) No person shall operate a motor vehicle, <u>off-highway</u>	1005

motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or 1006
mini-truck so as ~~willfully~~ ~~purposely~~ to elude or flee a police 1007
officer after receiving a visible or audible signal from a 1008
police officer to bring the person's motor vehicle, off-highway 1009
motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or 1010
mini-truck to a stop. 1011

(C) (1) Whoever violates this section is guilty of failure 1012
to comply with an order or signal of a police officer. 1013

(2) A violation of division (A) of this section is a 1014
misdemeanor of the first degree. 1015

(3) Except as provided in divisions (C) (4) and (5) of this 1016
section, a violation of division (B) of this section is a 1017
misdemeanor of the first degree. 1018

(4) Except as provided in division (C) (5) of this section, 1019
a violation of division (B) of this section is a felony of the 1020
fourth degree if the jury or judge as trier of fact finds by 1021
proof beyond a reasonable doubt that, in committing the offense, 1022
the offender was fleeing immediately after the commission of a 1023
felony. 1024

(5) (a) A violation of division (B) of this section is a 1025
felony of the third degree if the jury or judge as trier of fact 1026
finds any of the following by proof beyond a reasonable doubt: 1027

(i) The operation of the motor vehicle, off-highway 1028
motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or 1029
mini-truck by the offender was a proximate cause of serious 1030
physical harm to persons or property. 1031

(ii) The operation of the motor vehicle, off-highway 1032
motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or 1033
mini-truck by the offender caused a substantial risk of serious 1034

physical harm to persons or property. 1035

(b) If a police officer pursues an offender who is 1036
violating division (B) of this section and division (C) (5) (a) of 1037
this section applies, the sentencing court, in determining the 1038
seriousness of an offender's conduct for purposes of sentencing 1039
the offender for a violation of division (B) of this section, 1040
shall consider, along with the factors set forth in sections 1041
2929.12 and 2929.13 of the Revised Code that are required to be 1042
considered, all of the following: 1043

(i) The duration of the pursuit; 1044

(ii) The distance of the pursuit; 1045

(iii) The rate of speed at which the offender operated the 1046
motor vehicle, off-highway motorcycle, all-terrain vehicle, 1047
snowmobile, utility vehicle, or mini-truck during the pursuit; 1048

(iv) Whether the offender failed to stop for traffic 1049
lights or stop signs during the pursuit; 1050

(v) The number of traffic lights or stop signs for which 1051
the offender failed to stop during the pursuit; 1052

(vi) Whether the offender operated the motor vehicle, off- 1053
highway motorcycle, all-terrain vehicle, snowmobile, utility 1054
vehicle, or mini-truck during the pursuit without lighted lights 1055
during a time when lighted lights are required; 1056

(vii) Whether the offender committed a moving violation 1057
during the pursuit; 1058

(viii) The number of moving violations the offender 1059
committed during the pursuit; 1060

(ix) Any other relevant factors indicating that the 1061

offender's conduct is more serious than conduct normally 1062
constituting the offense. 1063

(D) If an offender is sentenced pursuant to division (C) 1064
(4) or (5) of this section for a violation of division (B) of 1065
this section, and if the offender is sentenced to a prison term 1066
for that violation, the offender shall serve the prison term 1067
consecutively to any other prison term or mandatory prison term 1068
imposed upon the offender. 1069

(E) In addition to any other sanction imposed for a felony 1070
violation of division (B) of this section, the court shall 1071
impose a class two suspension from the range specified in 1072
division (A) (2) of section 4510.02 of the Revised Code. In 1073
addition to any other sanction imposed for a violation of 1074
division (A) of this section or a misdemeanor violation of 1075
division (B) of this section, the court shall impose a class 1076
five suspension from the range specified in division (A) (5) of 1077
section 4510.02 of the Revised Code. If the offender previously 1078
has been found guilty of an offense under this section, in 1079
addition to any other sanction imposed for the offense, the 1080
court shall impose a class one suspension as described in 1081
division (A) (1) of that section. The court shall not grant 1082
limited driving privileges to the offender on a suspension 1083
imposed for a felony violation of this section. The court may 1084
grant limited driving privileges to the offender on a suspension 1085
imposed for a misdemeanor violation of this section as set forth 1086
in section 4510.021 of the Revised Code. No judge shall suspend 1087
the first three years of suspension under a class two suspension 1088
of an offender's license, permit, or privilege required by this 1089
division ~~on~~ or any portion of the suspension under a class one 1090
suspension of an offender's license, permit, or privilege 1091
required by this division. 1092

(F) A motor vehicle, off-highway motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or mini-truck used in violation of division (B) of this section is contraband, and is an instrumentality, that is subject to seizure and forfeiture under Chapter 2981. of the Revised Code. 1093
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(G) As used in this section: 1098

(1) "Moving violation" has the same meaning as in section 2743.70 of the Revised Code. 1099
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(2) "Police officer" has the same meaning as in section 4511.01 of the Revised Code. 1101
1102

(3) "Instrumentality" has the same meaning as in section 2981.01 of the Revised Code. 1103
1104

Sec. 2923.16. (A) No person shall knowingly discharge a firearm while in or on a motor vehicle. 1105
1106

(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle. 1107
1108
1109
1110

(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways: 1111
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1114
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(1) In a closed package, box, or case; 1116

(2) In a compartment that can be reached only by leaving the vehicle; 1117
1118

(3) In plain sight and secured in a rack or holder made 1119

for the purpose; 1120

(4) If the firearm is at least twenty-four inches in 1121
overall length as measured from the muzzle to the part of the 1122
stock furthest from the muzzle and if the barrel is at least 1123
eighteen inches in length, either in plain sight with the action 1124
open or the weapon stripped, or, if the firearm is of a type on 1125
which the action will not stay open or which cannot easily be 1126
stripped, in plain sight. 1127

(D) No person shall knowingly transport or have a loaded 1128
handgun in a motor vehicle if, at the time of that 1129
transportation or possession, any of the following applies: 1130

(1) The person is under the influence of alcohol, a drug 1131
of abuse, or a combination of them. 1132

(2) The person's whole blood, blood serum or plasma, 1133
breath, or urine contains a concentration of alcohol, a listed 1134
controlled substance, or a listed metabolite of a controlled 1135
substance prohibited for persons operating a vehicle, as 1136
specified in division (A) of section 4511.19 of the Revised 1137
Code, regardless of whether the person at the time of the 1138
transportation or possession as described in this division is 1139
the operator of or a passenger in the motor vehicle. 1140

(E) No person who has been issued a concealed handgun 1141
license or who is an active duty member of the armed forces of 1142
the United States and is carrying a valid military 1143
identification card and documentation of successful completion 1144
of firearms training that meets or exceeds the training 1145
requirements described in division (G) (1) of section 2923.125 of 1146
the Revised Code, who is the driver or an occupant of a motor 1147
vehicle that is stopped as a result of a traffic stop or a stop 1148

for another law enforcement purpose or is the driver or an 1149
occupant of a commercial motor vehicle that is stopped by an 1150
employee of the motor carrier enforcement unit for the purposes 1151
defined in section 5503.34 of the Revised Code, and who is 1152
transporting or has a loaded handgun in the motor vehicle or 1153
commercial motor vehicle in any manner, shall do any of the 1154
following: 1155

(1) Before or at the time a law enforcement officer asks 1156
if the person is carrying a concealed handgun, knowingly fail to 1157
disclose that the person then possesses or has a loaded handgun 1158
in the motor vehicle, provided that it is not a violation of 1159
this division if the person fails to disclose that fact to an 1160
officer during the stop and the person already has notified 1161
another officer of that fact during the same stop; 1162

(2) Before or at the time an employee of the motor carrier 1163
enforcement unit asks if the person is carrying a concealed 1164
handgun, knowingly fail to disclose that the person then 1165
possesses or has a loaded handgun in the commercial motor 1166
vehicle, provided that it is not a violation of this division if 1167
the person fails to disclose that fact to an employee of the 1168
unit during the stop and the person already has notified another 1169
employee of the unit of that fact during the same stop; 1170

(3) Knowingly fail to remain in the motor vehicle while 1171
stopped or knowingly fail to keep the person's hands in plain 1172
sight at any time after any law enforcement officer begins 1173
approaching the person while stopped and before the law 1174
enforcement officer leaves, unless the failure is pursuant to 1175
and in accordance with directions given by a law enforcement 1176
officer; 1177

(4) Knowingly have contact with the loaded handgun by 1178

touching it with the person's hands or fingers in the motor 1179
vehicle at any time after the law enforcement officer begins 1180
approaching and before the law enforcement officer leaves, 1181
unless the person has contact with the loaded handgun pursuant 1182
to and in accordance with directions given by the law 1183
enforcement officer; 1184

(5) Knowingly disregard or fail to comply with any lawful 1185
order of any law enforcement officer given while the motor 1186
vehicle is stopped, including, but not limited to, a specific 1187
order to the person to keep the person's hands in plain sight. 1188

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1189
not apply to any of the following: 1190

(a) An officer, agent, or employee of this or any other 1191
state or the United States, or a law enforcement officer, when 1192
authorized to carry or have loaded or accessible firearms in 1193
motor vehicles and acting within the scope of the officer's, 1194
agent's, or employee's duties; 1195

(b) Any person who is employed in this state, who is 1196
authorized to carry or have loaded or accessible firearms in 1197
motor vehicles, and who is subject to and in compliance with the 1198
requirements of section 109.801 of the Revised Code, unless the 1199
appointing authority of the person has expressly specified that 1200
the exemption provided in division (F) (1) (b) of this section 1201
does not apply to the person. 1202

(2) Division (A) of this section does not apply to a 1203
person if all of the following circumstances apply: 1204

(a) The person discharges a firearm from a motor vehicle 1205
at a coyote or groundhog, the discharge is not during the deer 1206
gun hunting season as set by the chief of the division of 1207

wildlife of the department of natural resources, and the 1208
discharge at the coyote or groundhog, but for the operation of 1209
this section, is lawful. 1210

(b) The motor vehicle from which the person discharges the 1211
firearm is on real property that is located in an unincorporated 1212
area of a township and that either is zoned for agriculture or 1213
is used for agriculture. 1214

(c) The person owns the real property described in 1215
division (F) (2) (b) of this section, is the spouse or a child of 1216
another person who owns that real property, is a tenant of 1217
another person who owns that real property, or is the spouse or 1218
a child of a tenant of another person who owns that real 1219
property. 1220

(d) The person does not discharge the firearm in any of 1221
the following manners: 1222

(i) While under the influence of alcohol, a drug of abuse, 1223
or alcohol and a drug of abuse; 1224

(ii) In the direction of a street, highway, or other 1225
public or private property used by the public for vehicular 1226
traffic or parking; 1227

(iii) At or into an occupied structure that is a permanent 1228
or temporary habitation; 1229

(iv) In the commission of any violation of law, including, 1230
but not limited to, a felony that includes, as an essential 1231
element, purposely or knowingly causing or attempting to cause 1232
the death of or physical harm to another and that was committed 1233
by discharging a firearm from a motor vehicle. 1234

(3) Division (A) of this section does not apply to a 1235

person if all of the following apply: 1236

(a) The person possesses a valid ~~all-purpose-all-terrain~~ 1237
vehicle permit issued under section 1533.103 of the Revised Code 1238
by the chief of the division of wildlife. 1239

(b) The person discharges a firearm at a wild quadruped or 1240
game bird as defined in section 1531.01 of the Revised Code 1241
during the open hunting season for the applicable wild quadruped 1242
or game bird. 1243

(c) The person discharges a firearm from a stationary ~~all-~~ 1244
~~purpose-all-terrain~~ vehicle ~~as defined in section 1531.01 of the~~ 1245
~~Revised Code~~ from private or publicly owned lands or from a 1246
motor vehicle that is parked on a road that is owned or 1247
administered by the division of wildlife. 1248

(d) The person does not discharge the firearm in any of 1249
the following manners: 1250

(i) While under the influence of alcohol, a drug of abuse, 1251
or alcohol and a drug of abuse; 1252

(ii) In the direction of a street, a highway, or other 1253
public or private property that is used by the public for 1254
vehicular traffic or parking; 1255

(iii) At or into an occupied structure that is a permanent 1256
or temporary habitation; 1257

(iv) In the commission of any violation of law, including, 1258
but not limited to, a felony that includes, as an essential 1259
element, purposely or knowingly causing or attempting to cause 1260
the death of or physical harm to another and that was committed 1261
by discharging a firearm from a motor vehicle. 1262

(4) Divisions (B) and (C) of this section do not apply to 1263

a person if all of the following circumstances apply: 1264

(a) At the time of the alleged violation of either of 1265
those divisions, the person is the operator of or a passenger in 1266
a motor vehicle. 1267

(b) The motor vehicle is on real property that is located 1268
in an unincorporated area of a township and that either is zoned 1269
for agriculture or is used for agriculture. 1270

(c) The person owns the real property described in 1271
division (F) (4) (b) of this section, is the spouse or a child of 1272
another person who owns that real property, is a tenant of 1273
another person who owns that real property, or is the spouse or 1274
a child of a tenant of another person who owns that real 1275
property. 1276

(d) The person, prior to arriving at the real property 1277
described in division (F) (4) (b) of this section, did not 1278
transport or possess a firearm in the motor vehicle in a manner 1279
prohibited by division (B) or (C) of this section while the 1280
motor vehicle was being operated on a street, highway, or other 1281
public or private property used by the public for vehicular 1282
traffic or parking. 1283

(5) Divisions (B) and (C) of this section do not apply to 1284
a person who transports or possesses a handgun in a motor 1285
vehicle if, at the time of that transportation or possession, 1286
both of the following apply: 1287

(a) The person transporting or possessing the handgun has 1288
been issued a concealed handgun license that is valid at the 1289
time in question or the person is an active duty member of the 1290
armed forces of the United States and is carrying a valid 1291
military identification card and documentation of successful 1292

completion of firearms training that meets or exceeds the 1293
training requirements described in division (G)(1) of section 1294
2923.125 of the Revised Code. 1295

(b) The person transporting or possessing the handgun is 1296
not knowingly in a place described in division (B) of section 1297
2923.126 of the Revised Code. 1298

(6) Divisions (B) and (C) of this section do not apply to 1299
a person if all of the following apply: 1300

(a) The person possesses a valid ~~all-purpose~~ all-terrain 1301
vehicle permit issued under section 1533.103 of the Revised Code 1302
by the chief of the division of wildlife. 1303

(b) The person is on or in an ~~all-purpose~~ all-terrain 1304
vehicle ~~as defined in section 1531.01 of the Revised Code~~ or a 1305
motor vehicle during the open hunting season for a wild 1306
quadruped or game bird. 1307

(c) The person is on or in an ~~all-purpose~~ all-terrain 1308
vehicle ~~as defined in section 1531.01 of the Revised Code~~ on 1309
private or publicly owned lands or on or in a motor vehicle that 1310
is parked on a road that is owned or administered by the 1311
division of wildlife. 1312

(7) Nothing in this section prohibits or restricts a 1313
person from possessing, storing, or leaving a firearm in a 1314
locked motor vehicle that is parked in the state underground 1315
parking garage at the state capitol building or in the parking 1316
garage at the Riffe center for government and the arts in 1317
Columbus, if the person's transportation and possession of the 1318
firearm in the motor vehicle while traveling to the premises or 1319
facility was not in violation of division (A), (B), (C), (D), or 1320
(E) of this section or any other provision of the Revised Code. 1321

(G) (1) The affirmative defenses authorized in divisions 1322
(D) (1) and (2) of section 2923.12 of the Revised Code are 1323
affirmative defenses to a charge under division (B) or (C) of 1324
this section that involves a firearm other than a handgun. 1325

(2) It is an affirmative defense to a charge under 1326
division (B) or (C) of this section of improperly handling 1327
firearms in a motor vehicle that the actor transported or had 1328
the firearm in the motor vehicle for any lawful purpose and 1329
while the motor vehicle was on the actor's own property, 1330
provided that this affirmative defense is not available unless 1331
the person, immediately prior to arriving at the actor's own 1332
property, did not transport or possess the firearm in a motor 1333
vehicle in a manner prohibited by division (B) or (C) of this 1334
section while the motor vehicle was being operated on a street, 1335
highway, or other public or private property used by the public 1336
for vehicular traffic. 1337

(H) (1) No person who is charged with a violation of 1338
division (B), (C), or (D) of this section shall be required to 1339
obtain a concealed handgun license as a condition for the 1340
dismissal of the charge. 1341

(2) (a) If a person is convicted of, was convicted of, 1342
pleads guilty to, or has pleaded guilty to a violation of 1343
division (E) of this section as it existed prior to September 1344
30, 2011, and the conduct that was the basis of the violation no 1345
longer would be a violation of division (E) of this section on 1346
or after September 30, 2011, or if a person is convicted of, was 1347
convicted of, pleads guilty to, or has pleaded guilty to a 1348
violation of division (E) (1) or (2) of this section as it 1349
existed prior to June 13, 2022, the person may file an 1350
application under section 2953.35 of the Revised Code requesting 1351

the expungement of the record of conviction. 1352

If a person is convicted of, was convicted of, pleads 1353
guilty to, or has pleaded guilty to a violation of division (B) 1354
or (C) of this section as the division existed prior to 1355
September 30, 2011, and if the conduct that was the basis of the 1356
violation no longer would be a violation of division (B) or (C) 1357
of this section on or after September 30, 2011, due to the 1358
application of division (F) (5) of this section as it exists on 1359
and after September 30, 2011, the person may file an application 1360
under section 2953.35 of the Revised Code requesting the 1361
expungement of the record of conviction. 1362

(b) The attorney general shall develop a public media 1363
advisory that summarizes the expungement procedure established 1364
under section 2953.35 of the Revised Code and the offenders 1365
identified in division (H) (2) (a) of this section and those 1366
identified in division (E) (2) of section 2923.12 of the Revised 1367
Code who are authorized to apply for the expungement. Within 1368
thirty days after September 30, 2011, with respect to violations 1369
of division (B), (C), or (E) of this section as they existed 1370
prior to that date, and within thirty days after June 13, 2022, 1371
with respect to a violation of division (E) (1) or (2) of this 1372
section or division (B) (1) of section 2923.12 of the Revised 1373
Code as they existed prior to June 13, 2022, the attorney 1374
general shall provide a copy of the advisory to each daily 1375
newspaper published in this state and each television station 1376
that broadcasts in this state. The attorney general may provide 1377
the advisory in a tangible form, an electronic form, or in both 1378
tangible and electronic forms. 1379

(I) Whoever violates this section is guilty of improperly 1380
handling firearms in a motor vehicle. A violation of division 1381

(A) of this section is a felony of the fourth degree. A 1382
violation of division (C) of this section is a misdemeanor of 1383
the fourth degree. A violation of division (D) of this section 1384
is a felony of the fifth degree or, if the loaded handgun is 1385
concealed on the person's person, a felony of the fourth degree. 1386
A violation of division (E) (1) or (2) of this section is a 1387
misdemeanor of the second degree. A violation of division (E) (4) 1388
of this section is a felony of the fifth degree. A violation of 1389
division (E) (3) or (5) of this section is a misdemeanor of the 1390
first degree or, if the offender previously has been convicted 1391
of or pleaded guilty to a violation of division (E) (3) or (5) of 1392
this section, a felony of the fifth degree. In addition to any 1393
other penalty or sanction imposed for a misdemeanor violation of 1394
division (E) (3) or (5) of this section, the offender's concealed 1395
handgun license shall be suspended pursuant to division (A) (2) 1396
of section 2923.128 of the Revised Code. A violation of division 1397
(B) of this section is a felony of the fourth degree. 1398

(J) If a law enforcement officer stops a motor vehicle for 1399
a traffic stop or any other purpose, if any person in the motor 1400
vehicle surrenders a firearm to the officer, either voluntarily 1401
or pursuant to a request or demand of the officer, and if the 1402
officer does not charge the person with a violation of this 1403
section or arrest the person for any offense, the person is not 1404
otherwise prohibited by law from possessing the firearm, and the 1405
firearm is not contraband, the officer shall return the firearm 1406
to the person at the termination of the stop. If a court orders 1407
a law enforcement officer to return a firearm to a person 1408
pursuant to the requirement set forth in this division, division 1409
(B) of section 2923.163 of the Revised Code applies. 1410

(K) As used in this section: 1411

- (1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code. 1412
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- (2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code. 1414
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- (3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code. 1416
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- (4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code. 1418
1419
- (5) (a) "Unloaded" means, with respect to a firearm other than a firearm described in division (K) (6) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies: 1420
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- (i) There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question. 1425
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- (ii) Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure. 1428
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- (b) For the purposes of division (K) (5) (a) (ii) of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following: 1433
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- (i) A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, 1437
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1439

box, or case, or, if they are in the same compartment, the 1440
magazine or speed loader is contained within a separate 1441
enclosure in that compartment that does not contain the firearm 1442
and that closes using a snap, button, buckle, zipper, hook and 1443
loop closing mechanism, or other fastener that must be opened to 1444
access the contents or the firearm is contained within a 1445
separate enclosure of that nature in that compartment that does 1446
not contain the magazine or speed loader; 1447

(ii) A pocket or other enclosure on the person of the 1448
person in question that closes using a snap, button, buckle, 1449
zipper, hook and loop closing mechanism, or other fastener that 1450
must be opened to access the contents. 1451

(c) For the purposes of divisions (K) (5) (a) and (b) of 1452
this section, ammunition held in stripper-clips or in en-bloc 1453
clips is not considered ammunition that is loaded into a 1454
magazine or speed loader. 1455

(6) "Unloaded" means, with respect to a firearm employing 1456
a percussion cap, flintlock, or other obsolete ignition system, 1457
when the weapon is uncapped or when the priming charge is 1458
removed from the pan. 1459

(7) "Commercial motor vehicle" has the same meaning as in 1460
division (A) of section 4506.25 of the Revised Code. 1461

(8) "Motor carrier enforcement unit" means the motor 1462
carrier enforcement unit in the department of public safety, 1463
division of state highway patrol, that is created by section 1464
5503.34 of the Revised Code. 1465

(9) "All-terrain vehicle" has the same meaning as in 1466
section 4519.01 of the Revised Code. 1467

(L) Divisions (K) (5) (a) and (b) of this section do not 1468

affect the authority of a person who has been issued a concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any 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, 1499
mini-trucks as defined in division (BBB) of this section, 1500
motorized bicycles, electric bicycles, road rollers, traction 1501
engines, power shovels, power cranes, and other equipment used 1502
in construction work and not designed for or employed in general 1503
highway transportation, well-drilling machinery, ditch-digging 1504
machinery, farm machinery, and trailers that are designed and 1505
used exclusively to transport a boat between a place of storage 1506
and a marina, or in and around a marina, when drawn or towed on 1507
a public road or highway for a distance of no more than ten 1508
miles and at a speed of twenty-five miles per hour or less. 1509

(C) "Agricultural tractor" and "traction engine" mean any 1510
self-propelling vehicle that is designed or used for drawing 1511
other vehicles or wheeled machinery, but has no provisions for 1512
carrying loads independently of such other vehicles, and that is 1513
used principally for agricultural purposes. 1514

(D) "Commercial tractor," except as defined in division 1515
(C) of this section, means any motor vehicle that has motive 1516
power and either is designed or used for drawing other motor 1517
vehicles, or is designed or used for drawing another motor 1518
vehicle while carrying a portion of the other motor vehicle or 1519
its load, or both. 1520

(E) "Passenger car" means any motor vehicle that is 1521
designed and used for carrying not more than nine persons and 1522
includes any motor vehicle that is designed and used for 1523
carrying not more than fifteen persons in a ridesharing 1524
arrangement. 1525

(F) "Collector's vehicle" means any motor vehicle or 1526
agricultural tractor or traction engine that is of special 1527
interest, that has a fair market value of one hundred dollars or 1528

more, whether operable or not, and that is owned, operated, 1529
collected, preserved, restored, maintained, or used essentially 1530
as a collector's item, leisure pursuit, or investment, but not 1531
as the owner's principal means of transportation. "Licensed 1532
collector's vehicle" means a collector's vehicle, other than an 1533
agricultural tractor or traction engine, that displays current, 1534
valid license tags issued under section 4503.45 of the Revised 1535
Code, or a similar type of motor vehicle that displays current, 1536
valid license tags issued under substantially equivalent 1537
provisions in the laws of other states. 1538

(G) "Historical motor vehicle" means any motor vehicle 1539
that is over twenty-five years old and is owned solely as a 1540
collector's item and for participation in club activities, 1541
exhibitions, tours, parades, and similar uses, but that in no 1542
event is used for general transportation. 1543

(H) "Noncommercial motor vehicle" means any motor vehicle, 1544
including a farm truck as defined in section 4503.04 of the 1545
Revised Code, that is designed by the manufacturer to carry a 1546
load of no more than one ton and is used exclusively for 1547
purposes other than engaging in business for profit. 1548

(I) "Bus" means any motor vehicle that has motor power and 1549
is designed and used for carrying more than nine passengers, 1550
except any motor vehicle that is designed and used for carrying 1551
not more than fifteen passengers in a ridesharing arrangement. 1552

(J) "Commercial car" or "truck" means any motor vehicle 1553
that has motor power and is designed and used for carrying 1554
merchandise or freight, or that is used as a commercial tractor. 1555

(K) "Bicycle" means every device, other than a device that 1556
is designed solely for use as a play vehicle by a child, that is 1557

propelled solely by human power upon which a person may ride, 1558
and that has two or more wheels, any of which is more than 1559
fourteen inches in diameter. 1560

(L) "Motorized bicycle" or "moped" means any vehicle that 1561
either has two tandem wheels or one wheel in the front and two 1562
wheels in the rear, that may be pedaled, and that is equipped 1563
with a helper motor of not more than fifty cubic centimeters 1564
piston displacement that produces no more than one brake 1565
horsepower and is capable of propelling the vehicle at a speed 1566
of no greater than twenty miles per hour on a level surface. 1567
"Motorized bicycle" or "moped" does not include an electric 1568
bicycle. 1569

(M) "Trailer" means any vehicle without motive power that 1570
is designed or used for carrying property or persons wholly on 1571
its own structure and for being drawn by a motor vehicle, and 1572
includes any such vehicle that is formed by or operated as a 1573
combination of a semitrailer and a vehicle of the dolly type 1574
such as that commonly known as a trailer dolly, a vehicle used 1575
to transport agricultural produce or agricultural production 1576
materials between a local place of storage or supply and the 1577
farm when drawn or towed on a public road or highway at a speed 1578
greater than twenty-five miles per hour, and a vehicle that is 1579
designed and used exclusively to transport a boat between a 1580
place of storage and a marina, or in and around a marina, when 1581
drawn or towed on a public road or highway for a distance of 1582
more than ten miles or at a speed of more than twenty-five miles 1583
per hour. "Trailer" does not include a manufactured home or 1584
travel trailer. 1585

(N) "Noncommercial trailer" means any trailer, except a 1586
travel trailer or trailer that is used to transport a boat as 1587

described in division (B) of this section, but, where 1588
applicable, includes a vehicle that is used to transport a boat 1589
as described in division (M) of this section, that has a gross 1590
weight of no more than ten thousand pounds, and that is used 1591
exclusively for purposes other than engaging in business for a 1592
profit, such as the transportation of personal items for 1593
personal or recreational purposes. 1594

(O) "Mobile home" means a building unit or assembly of 1595
closed construction that is fabricated in an off-site facility, 1596
is more than thirty-five body feet in length or, when erected on 1597
site, is three hundred twenty or more square feet, is built on a 1598
permanent chassis, is transportable in one or more sections, and 1599
does not qualify as a manufactured home as defined in division 1600
(C) (4) of section 3781.06 of the Revised Code or as an 1601
industrialized unit as defined in division (C) (3) of section 1602
3781.06 of the Revised Code. 1603

(P) "Semitrailer" means any vehicle of the trailer type 1604
that does not have motive power and is so designed or used with 1605
another and separate motor vehicle that in operation a part of 1606
its own weight or that of its load, or both, rests upon and is 1607
carried by the other vehicle furnishing the motive power for 1608
propelling itself and the vehicle referred to in this division, 1609
and includes, for the purpose only of registration and taxation 1610
under those chapters, any vehicle of the dolly type, such as a 1611
trailer dolly, that is designed or used for the conversion of a 1612
semitrailer into a trailer. 1613

(Q) "Recreational vehicle" means a vehicular portable 1614
structure that meets all of the following conditions: 1615

(1) It is designed for the sole purpose of recreational 1616
travel. 1617

- (2) It is not used for the purpose of engaging in business 1618
for profit. 1619
- (3) It is not used for the purpose of engaging in 1620
intrastate commerce. 1621
- (4) It is not used for the purpose of commerce as defined 1622
in 49 C.F.R. 383.5, as amended. 1623
- (5) It is not regulated by the public utilities commission 1624
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 1625
- (6) It is classed as one of the following: 1626
- (a) "Travel trailer" or "house vehicle" means a nonself- 1627
propelled recreational vehicle that does not exceed an overall 1628
length of forty feet, exclusive of bumper and tongue or 1629
coupling. "Travel trailer" includes a tent-type fold-out camping 1630
trailer as defined in section 4517.01 of the Revised Code. 1631
- (b) "Motor home" means a self-propelled recreational 1632
vehicle that has no fifth wheel and is constructed with 1633
permanently installed facilities for cold storage, cooking and 1634
consuming of food, and for sleeping. 1635
- (c) "Truck camper" means a nonself-propelled recreational 1636
vehicle that does not have wheels for road use and is designed 1637
to be placed upon and attached to a motor vehicle. "Truck 1638
camper" does not include truck covers that consist of walls and 1639
a roof, but do not have floors and facilities enabling them to 1640
be used as a dwelling. 1641
- (d) "Fifth wheel trailer" means a vehicle that is of such 1642
size and weight as to be movable without a special highway 1643
permit, that is constructed with a raised forward section that 1644
allows a bi-level floor plan, and that is designed to be towed 1645

by a vehicle equipped with a fifth-wheel hitch ordinarily 1646
installed in the bed of a truck. 1647

(e) "Park trailer" means a vehicle that is commonly known 1648
as a park model recreational vehicle, meets the American 1649
national standard institute standard A119.5 (1988) for park 1650
trailers, is built on a single chassis, has a gross trailer area 1651
of four hundred square feet or less when set up, is designed for 1652
seasonal or temporary living quarters, and may be connected to 1653
utilities necessary for the operation of installed features and 1654
appliances. 1655

(R) "Pneumatic tires" means tires of rubber and fabric or 1656
tires of similar material, that are inflated with air. 1657

(S) "Solid tires" means tires of rubber or similar elastic 1658
material that are not dependent upon confined air for support of 1659
the load. 1660

(T) "Solid tire vehicle" means any vehicle that is 1661
equipped with two or more solid tires. 1662

(U) "Farm machinery" means all machines and tools that are 1663
used in the production, harvesting, and care of farm products, 1664
and includes trailers that are used to transport agricultural 1665
produce or agricultural production materials between a local 1666
place of storage or supply and the farm, agricultural tractors, 1667
threshing machinery, hay-baling machinery, corn shellers, 1668
hammermills, and machinery used in the production of 1669
horticultural, agricultural, and vegetable products. 1670

(V) "Owner" includes any person or firm, other than a 1671
manufacturer or dealer, that has title to a motor vehicle, 1672
except that, in sections 4505.01 to 4505.19 of the Revised Code, 1673
"owner" includes in addition manufacturers and dealers. 1674

(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or ~~all-purpose~~ all-terrain vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of business is used to dismantle, salvage, or rebuild motor vehicles by means of used parts, if such departments are operated for the purpose of furthering and assisting in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. Places of business or departments in a place of business used to dismantle, salvage, or rebuild motor vehicles by means of using used parts are not considered as being maintained for the purpose of assisting or furthering the manufacturing, selling, displaying, and offering for sale or dealing in motor vehicles.

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

(Y) "Chauffeur" means any operator who operates a motor vehicle, other than a taxicab, as an employee for hire; or any operator whether or not the owner of a motor vehicle, other than

a taxicab, who operates such vehicle for transporting, for gain, 1706
compensation, or profit, either persons or property owned by 1707
another. Any operator of a motor vehicle who is voluntarily 1708
involved in a ridesharing arrangement is not considered an 1709
employee for hire or operating such vehicle for gain, 1710
compensation, or profit. 1711

(Z) "State" includes the territories and federal districts 1712
of the United States, and the provinces of Canada. 1713

(AA) "Public roads and highways" for vehicles includes all 1714
public thoroughfares, bridges, and culverts. 1715

(BB) "Manufacturer's number" means the manufacturer's 1716
original serial number that is affixed to or imprinted upon the 1717
chassis or other part of the motor vehicle. 1718

(CC) "Motor number" means the manufacturer's original 1719
number that is affixed to or imprinted upon the engine or motor 1720
of the vehicle. 1721

(DD) "Distributor" means any person who is authorized by a 1722
motor vehicle manufacturer to distribute new motor vehicles to 1723
licensed motor vehicle dealers at an established place of 1724
business that is used exclusively for the purpose of 1725
distributing new motor vehicles to licensed motor vehicle 1726
dealers, except when the distributor also is a new motor vehicle 1727
dealer, in which case the distributor may distribute at the 1728
location of the distributor's licensed dealership. 1729

(EE) "Ridesharing arrangement" means the transportation of 1730
persons in a motor vehicle where the transportation is 1731
incidental to another purpose of a volunteer driver and includes 1732
ridesharing arrangements known as carpools, vanpools, and 1733
buspools. 1734

(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;

(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

"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.

(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.

(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 1764
system by authorizing apportioned registration of fleets of 1765
vehicles and recognizing registration of vehicles apportioned in 1766
member jurisdictions. 1767

(II) "Restricted plate" means a license plate that has a 1768
restriction of time, geographic area, mileage, or commodity, and 1769
includes license plates issued to farm trucks under division (J) 1770
of section 4503.04 of the Revised Code. 1771

(JJ) "Gross vehicle weight," with regard to any commercial 1772
car, trailer, semitrailer, or bus that is taxed at the rates 1773
established under section 4503.042 or 4503.65 of the Revised 1774
Code, means the unladen weight of the vehicle fully equipped 1775
plus the maximum weight of the load to be carried on the 1776
vehicle. 1777

(KK) "Combined gross vehicle weight" with regard to any 1778
combination of a commercial car, trailer, and semitrailer, that 1779
is taxed at the rates established under section 4503.042 or 1780
4503.65 of the Revised Code, means the total unladen weight of 1781
the combination of vehicles fully equipped plus the maximum 1782
weight of the load to be carried on that combination of 1783
vehicles. 1784

(LL) "Chauffeured limousine" means a motor vehicle that is 1785
designed to carry nine or fewer passengers and is operated for 1786
hire pursuant to a prearranged contract for the transportation 1787
of passengers on public roads and highways along a route under 1788
the control of the person hiring the vehicle and not over a 1789
defined and regular route. "Prearranged contract" means an 1790
agreement, made in advance of boarding, to provide 1791
transportation from a specific location in a chauffeured 1792
limousine. "Chauffeured limousine" does not include any vehicle 1793

that is used exclusively in the business of funeral directing. 1794

(MM) "Manufactured home" has the same meaning as in 1795
division (C)(4) of section 3781.06 of the Revised Code. 1796

(NN) "Acquired situs," with respect to a manufactured home 1797
or a mobile home, means to become located in this state by the 1798
placement of the home on real property, but does not include the 1799
placement of a manufactured home or a mobile home in the 1800
inventory of a new motor vehicle dealer or the inventory of a 1801
manufacturer, remanufacturer, or distributor of manufactured or 1802
mobile homes. 1803

(OO) "Electronic" includes electrical, digital, magnetic, 1804
optical, electromagnetic, or any other form of technology that 1805
entails capabilities similar to these technologies. 1806

(PP) "Electronic record" means a record generated, 1807
communicated, received, or stored by electronic means for use in 1808
an information system or for transmission from one information 1809
system to another. 1810

(QQ) "Electronic signature" means a signature in 1811
electronic form attached to or logically associated with an 1812
electronic record. 1813

(RR) "Financial transaction device" has the same meaning 1814
as in division (A) of section 113.40 of the Revised Code. 1815

(SS) "Electronic motor vehicle dealer" means a motor 1816
vehicle dealer licensed under Chapter 4517. of the Revised Code 1817
whom the registrar of motor vehicles determines meets the 1818
criteria designated in section 4503.035 of the Revised Code for 1819
electronic motor vehicle dealers and designates as an electronic 1820
motor vehicle dealer under that section. 1821

(TT) "Electric personal assistive mobility device" means a 1822
self-balancing two non-tandem wheeled device that is designed to 1823
transport only one person, has an electric propulsion system of 1824
an average of seven hundred fifty watts, and when ridden on a 1825
paved level surface by an operator who weighs one hundred 1826
seventy pounds has a maximum speed of less than twenty miles per 1827
hour. 1828

(UU) "Limited driving privileges" means the privilege to 1829
operate a motor vehicle that a court grants under section 1830
4510.021 of the Revised Code to a person whose driver's or 1831
commercial driver's license or permit or nonresident operating 1832
privilege has been suspended. 1833

(VV) "Utility vehicle" means a self-propelled vehicle with 1834
not less than four wheels, including a vehicle commonly known as 1835
a side-by-side, ~~designed with a bed, principally for the purpose~~ 1836
~~of transporting material or cargo in connection with~~ 1837
~~construction, agricultural, forestry, grounds maintenance, lawn~~ 1838
~~and garden, materials handling, or similar activities~~primarily 1839
for off-road use, that has non-straddle seating and a steering 1840
wheel for steering control. 1841

(WW) "Low-speed vehicle" means a three- or four-wheeled 1842
motor vehicle with an attainable speed in one mile on a paved 1843
level surface of more than twenty miles per hour but not more 1844
than twenty-five miles per hour and with a gross vehicle weight 1845
rating less than three thousand pounds. 1846

(XX) "Under-speed vehicle" means a three- or four-wheeled 1847
vehicle, including a vehicle commonly known as a golf cart, with 1848
an attainable speed on a paved level surface of not more than 1849
twenty miles per hour and with a gross vehicle weight rating 1850
less than three thousand pounds. 1851

(YY) "Motor-driven cycle or motor scooter" means any 1852
vehicle designed to travel on not more than three wheels in 1853
contact with the ground, with a seat for the driver and floor 1854
pad for the driver's feet, and is equipped with a motor with a 1855
piston displacement between fifty and one hundred cubic 1856
centimeters piston displacement that produces not more than five 1857
brake horsepower and is capable of propelling the vehicle at a 1858
speed greater than twenty miles per hour on a level surface. 1859

(ZZ) "Motorcycle" means a motor vehicle with motive power 1860
having a seat or saddle for the use of the operator, designed to 1861
travel on not more than three wheels in contact with the ground, 1862
and having no occupant compartment top or occupant compartment 1863
top that can be installed or removed by the user. 1864

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 1865
motive power having a seat or saddle for the use of the 1866
operator, designed to travel on not more than three wheels in 1867
contact with the ground, and having an occupant compartment top 1868
or an occupant compartment top that is installed. 1869

(BBB) "Mini-truck" means a vehicle that has four wheels, 1870
is propelled by an electric motor with a rated power of seven 1871
thousand five hundred watts or less or an internal combustion 1872
engine with a piston displacement capacity of six hundred sixty 1873
cubic centimeters or less, has a total dry weight of nine 1874
hundred to two thousand two hundred pounds, contains an enclosed 1875
cabin and a seat for the vehicle operator, resembles a pickup 1876
truck or van with a cargo area or bed located at the rear of the 1877
vehicle, and was not originally manufactured to meet federal 1878
motor vehicle safety standards. 1879

(CCC) "Autocycle" means a three-wheeled motorcycle that is 1880
manufactured to comply with federal safety requirements for 1881

motorcycles and that is equipped with safety belts, a steering wheel, and seating that does not require the operator to straddle or sit astride to ride the motorcycle.

(DDD) "Plug-in hybrid electric motor vehicle" means a passenger car powered in part by a battery cell energy system that can be recharged via an external source of electricity.

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

(1) A combustion engine;

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

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

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

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

Sec. 4501.13. (A) The motorcycle safety and education fund is hereby created in the state treasury. The fund shall consist

of the following: 1910

(1) Six dollars of each registration fee designated for 1911
payment to the registrar of motor vehicles in division ~~(A)(1)(b)~~ 1912
(A)(2) of section 4503.04 of the Revised Code; 1913

(2) The tuition fees collected by the director of public 1914
safety under section 4508.08 of the Revised Code for the 1915
motorcycle safety and education program; 1916

(3) The fees collected for the initial authorization of a 1917
private organization or corporation to offer a nationally 1918
recognized motorcycle operator training course or curriculum 1919
under section 4508.08 of the Revised Code; 1920

(4) The fees collected for the initial state certification 1921
of an instructor of motorcycle operator training course or 1922
curriculum under section 4508.08 of the Revised Code; 1923

(5) The fees collected for the two-year program evaluation 1924
required under division (C) of section 4508.08 of the Revised 1925
Code for a private organization or corporation to continue to 1926
offer a nationally recognized motorcycle operator training 1927
course or curriculum under that section. 1928

All investment earnings of the motorcycle safety and 1929
education fund shall be credited to the fund. 1930

(B) The fund shall be used solely to pay part or all of 1931
the costs of conducting the motorcycle safety and education 1932
program created by section 4508.08 of the Revised Code. 1933

Sec. 4503.01. (A) "Motor vehicle" as defined in section 1934
4505.01 of the Revised Code applies to sections 4503.02 to 1935
4503.10, and 4503.12 to 4503.18 of the Revised Code. ~~For~~ 1936

(B) ~~For~~ the purposes of sections 4503.02 to 4503.04, 1937

4503.10 to 4503.12, 4503.182, 4503.19, 4503.21, 4503.22, and 1938
4503.25 of the Revised Code, the term "motor vehicle" also 1939
includes ~~a~~ all of the following: 1940

(1) A motorized bicycle and a or moped; 1941

(2) A motor-driven cycle or motor scooter; 1942

(3) A trailer or semitrailer whose weight is four thousand 1943
pounds or less; 1944

(4) An under-speed vehicle when a local authority 1945
authorizes its operation on a public street or highway in 1946
accordance with section 4511.214 of the Revised Code. 1947

(C) As used in this chapter, "motor vehicle" does not 1948
include a concrete pump or a concrete conveyor. 1949

Sec. 4503.038. (A) ~~Not later than ninety days after the 1950
effective date of this amendment, the~~ The registrar of motor 1951
vehicles shall adopt rules in accordance with Chapter 119. of 1952
the Revised Code establishing a service fee that applies for 1953
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 1954
4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 1955
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 1956
4519.10, 4519.56, and 4519.69 of the Revised Code. The service 1957
fee shall be five dollars. 1958

(B) ~~Not later than ninety days after the effective date of 1959
this amendment~~ the effective date of this amendment, the 1960
registrar shall adopt rules in accordance with Chapter 119. of 1961
the Revised Code establishing prorated service fees that apply 1962
for purposes of multi-year registrations authorized under 1963
~~section~~ sections 4503.103 and 4519.041 of the Revised Code. 1964

Sec. 4503.04. Except as provided in sections 4503.042 and 1965

4503.65 of the Revised Code for the registration of commercial cars, trailers, semitrailers, and certain buses, the rates of the taxes imposed by section 4503.02 of the Revised Code shall be as follows:

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

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

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

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

(B) For each passenger car, twenty dollars;

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

(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;

(E) For each noncommercial trailer, the license tax is:

(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;

(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.	1993
(F) Notwithstanding its weight, twelve dollars for any:	1994
(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;	1995 1996 1997
(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;	1998 1999 2000 2001
(3) Bus used principally for the transportation of persons with disabilities or persons sixty-five years of age or older.	2002 2003
(G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a ridesharing arrangement.	2004 2005 2006
(H) For each transit bus having motor power the license tax is twelve dollars.	2007 2008
"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 transportation service primarily in a municipal corporation or municipal corporations and provided at least seventy-five per cent of the annual mileage of such service and use is within such municipal corporation or municipal corporations or a motor vehicle having a seating capacity of more than seven persons which is operated solely for the transportation of persons associated with a charitable or nonprofit corporation, but does not mean any motor vehicle having a seating capacity of more than seven persons when such vehicle is used in a ridesharing capacity or any bus described by division (F) (3) of this	2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021

section. 2022

The application for registration of such transit bus shall 2023
be accompanied by an affidavit prescribed by the registrar of 2024
motor vehicles and signed by the person or an agent of the firm 2025
or corporation operating such bus stating that the bus has a 2026
seating capacity of more than seven persons, and that it is 2027
either to be operated and used in the rendition of a public mass 2028
transportation service and that at least seventy-five per cent 2029
of the annual mileage of such operation and use shall be within 2030
one or more municipal corporations or that it is to be operated 2031
solely for the transportation of persons associated with a 2032
charitable or nonprofit corporation. 2033

The form of the license plate, and the manner of its 2034
attachment to the vehicle, shall be prescribed by the registrar 2035
of motor vehicles. 2036

(I) Except as otherwise provided in division (A) or (J) of 2037
this section, the minimum tax for any vehicle having motor power 2038
is ten dollars and eighty cents, and for each noncommercial 2039
trailer, five dollars. 2040

(J) (1) Except as otherwise provided in division (J) of 2041
this section, for each farmtruck, except a noncommercial motor 2042
vehicle, that is owned, controlled, or operated by one or more 2043
farmers exclusively in farm use as defined in this section, and 2044
not for commercial purposes, and provided that at least seventy- 2045
five per cent of such farm use is by or for the one or more 2046
owners, controllers, or operators of the farm in the operation 2047
of which a farm truck is used, the license tax is five dollars 2048
plus: 2049

(a) Fifty cents per one hundred pounds or part thereof for 2050

the first three thousand pounds; 2051

(b) Seventy cents per one hundred pounds or part thereof 2052
in excess of three thousand pounds up to and including four 2053
thousand pounds; 2054

(c) Ninety cents per one hundred pounds or part thereof in 2055
excess of four thousand pounds up to and including six thousand 2056
pounds; 2057

(d) Two dollars for each one hundred pounds or part 2058
thereof in excess of six thousand pounds up to and including ten 2059
thousand pounds; 2060

(e) Two dollars and twenty-five cents for each one hundred 2061
pounds or part thereof in excess of ten thousand pounds; 2062

(f) The minimum license tax for any farm truck shall be 2063
twelve dollars. 2064

(2) The owner of a farm truck may register the truck for a 2065
period of one-half year by paying one-half the registration tax 2066
imposed on the truck under this chapter and one-half the amount 2067
of any tax imposed on the truck under Chapter 4504. of the 2068
Revised Code. 2069

(3) A farm bus may be registered for a period of three 2070
hundred ten days from the date of issue of the license plates 2071
for the bus, for a fee of ten dollars, provided such license 2072
plates shall not be issued for more than one such period in any 2073
calendar year. Such use does not include the operation of trucks 2074
by commercial processors of agricultural products. 2075

(4) License plates for farm trucks and for farm buses 2076
shall have some distinguishing marks, letters, colors, or other 2077
characteristics to be determined by the director of public 2078

safety. 2079

(5) Every person registering a farm truck or bus under 2080
this section shall furnish an affidavit certifying that the 2081
truck or bus licensed to that person is to be so used as to meet 2082
the requirements necessary for the farm truck or farm bus 2083
classification. 2084

Any farmer may use a truck owned by the farmer for 2085
commercial purposes by paying the difference between the 2086
commercial truck registration fee and the farm truck 2087
registration fee for the remaining part of the registration 2088
period for which the truck is registered. Such remainder shall 2089
be calculated from the beginning of the semiannual period in 2090
which application for such commercial license is made. 2091

Taxes at the rates provided in this section are in lieu of 2092
all taxes on or with respect to the ownership of such motor 2093
vehicles, except as provided in sections 4503.042, 4503.06, and 2094
4503.65 of the Revised Code. 2095

(K) Other than trucks registered under the international 2096
registration plan in another jurisdiction and for which this 2097
state has received an apportioned registration fee, the license 2098
tax for each truck which is owned, controlled, or operated by a 2099
nonresident, and licensed in another state, and which is used 2100
exclusively for the transportation of nonprocessed agricultural 2101
products intrastate, from the place of production to the place 2102
of processing, is twenty-four dollars. 2103

"Truck," as used in this division, means any pickup truck, 2104
straight truck, semitrailer, or trailer other than a travel 2105
trailer. Nonprocessed agricultural products, as used in this 2106
division, does not include livestock or grain. 2107

A license issued under this division shall be issued for a 2108
period of one hundred thirty days in the same manner in which 2109
all other licenses are issued under this section, provided that 2110
no truck shall be so licensed for more than one one-hundred- 2111
thirty-day period during any calendar year. 2112

The license issued pursuant to this division shall consist 2113
of a windshield decal to be designed by the director of public 2114
safety. 2115

Every person registering a truck under this division shall 2116
furnish an affidavit certifying that the truck licensed to the 2117
person is to be used exclusively for the purposes specified in 2118
this division. 2119

(L) Every person registering a motor vehicle as a 2120
noncommercial motor vehicle as defined in section 4501.01 of the 2121
Revised Code, or registering a trailer as a noncommercial 2122
trailer as defined in that section, shall furnish an affidavit 2123
certifying that the motor vehicle or trailer so licensed to the 2124
person is to be so used as to meet the requirements necessary 2125
for the noncommercial vehicle classification. 2126

(M) Every person registering a van or bus as provided in 2127
divisions (F) (2) and (3) of this section shall furnish a 2128
notarized statement certifying that the van or bus licensed to 2129
the person is to be used for the purposes specified in those 2130
divisions. The form of the license plate issued for such motor 2131
vehicles shall be prescribed by the registrar. 2132

(N) Every person registering as a passenger car a motor 2133
vehicle designed and used for carrying more than nine but not 2134
more than fifteen passengers, and every person registering a bus 2135
as provided in division (G) of this section, shall furnish an 2136

affidavit certifying that the vehicle so licensed to the person 2137
is to be used in a ridesharing arrangement and that the person 2138
will have in effect whenever the vehicle is used in a 2139
ridesharing arrangement a policy of liability insurance with 2140
respect to the motor vehicle in amounts and coverages no less 2141
than those required by section 4509.79 of the Revised Code. The 2142
form of the license plate issued for such a motor vehicle shall 2143
be prescribed by the registrar. 2144

(O) (1) If an application for registration renewal is not 2145
applied for prior to the expiration date of the registration or 2146
within thirty days after that date, the registrar or deputy 2147
registrar shall collect a fee of ten dollars for the issuance of 2148
the vehicle registration. For any motor vehicle that is used on 2149
a seasonal basis, whether used for general transportation or 2150
not, and that has not been used on the public roads or highways 2151
since the expiration of the registration, the registrar or 2152
deputy registrar shall waive the fee established under this 2153
division if the application is accompanied by supporting 2154
evidence of seasonal use as the registrar may require. The 2155
registrar or deputy registrar may waive the fee for other good 2156
cause shown if the application is accompanied by supporting 2157
evidence as the registrar may require. The fee shall be in 2158
addition to all other fees established by this section. A deputy 2159
registrar shall retain fifty cents of the fee and shall transmit 2160
the remaining amount to the registrar at the time and in the 2161
manner provided by section 4503.10 of the Revised Code. The 2162
registrar shall deposit all moneys received under this division 2163
into the public safety - highway purposes fund established in 2164
section 4501.06 of the Revised Code. 2165

(2) Division (O) (1) of this section does not apply to a 2166
farm truck or farm bus registered under division (J) of this 2167

section.	2168
(P) As used in this section:	2169
(1) "Van" means any motor vehicle having a single rear axle and an enclosed body without a second seat.	2170 2171
(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.	2172 2173 2174 2175
(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.	2176 2177 2178 2179 2180 2181 2182 2183 2184 2185
(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 operation of the farm.	2186 2187 2188 2189
(5) "Farm supplies" includes fuel used exclusively in the operation of a farm, including one or more homes located on and used in the operation of one or more farms, and furniture and other things used in and around such homes.	2190 2191 2192 2193
Sec. 4503.10. (A) The owner of every snowmobile, off-highway motorcycle, and all purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file	2194 2195 2196

~~an application for registration under section 4519.03 of the~~ 2197
~~Revised Code. The owner of a motor vehicle, other than a~~ 2198
~~snowmobile, off-highway motorcycle, or all-purpose vehicle, that~~ 2199
~~is not designed and constructed by the manufacturer for~~ 2200
~~operation on a street or highway may not register it under this~~ 2201
~~chapter except upon certification of inspection pursuant to~~ 2202
~~section 4513.02 of the Revised Code by the sheriff, or the chief~~ 2203
~~of police of the municipal corporation or township, with~~ 2204
~~jurisdiction over the political subdivision in which the owner~~ 2205
~~of the motor vehicle resides. Except as provided in division (L)~~ 2206
~~of this section and in sections 4503.103 and 4503.107 of the~~ 2207
~~Revised Code, every owner of ~~every other a~~ motor vehicle ~~not~~~~ 2208
~~~~previously described in this section~~ and every person mentioned~~ 2209  
~~as owner in the last certificate of title of a motor vehicle~~ 2210  
~~that is operated or driven upon the public roads or highways~~ 2211  
~~shall ~~cause to be filed~~ file each year, by mail or otherwise, in~~ 2212  
~~the office of the registrar of motor vehicles or a deputy~~ 2213  
~~registrar, a written or electronic application or a preprinted~~ 2214  
~~registration renewal notice issued under section 4503.102 of the~~ 2215  
~~Revised Code, ~~the~~. The registrar shall prescribe the form of~~ 2216  
~~~~which shall be prescribed by the registrar,~~application for~~ 2217  
~~registration for the following registration year, ~~which shall~~~~ 2218
~~~~begin~~. The registration year begins on the first day of January~~ 2219  
~~of every calendar year and ~~end~~ ends on the thirty-first day of~~ 2220  
~~December in the same year. ~~Applications~~ An applicant shall file~~ 2221  
~~an application for registration and registration renewal ~~notices~~~~ 2222  
~~~~shall be filed~~ notice at the times a time established by the~~ 2223  
~~registrar pursuant to section 4503.101 of the Revised Code. A~~ 2224
~~motor vehicle owner also may elect to apply for or renew a motor~~ 2225
~~vehicle registration by electronic means using an electronic~~ 2226
~~signature in accordance with rules adopted by the registrar.~~ 2227
~~Except as provided in division (J) of this section, ~~applications~~~~ 2228

an applicant shall apply for registration ~~shall be made~~ on 2229
blanks furnished by the registrar for that purpose, containing 2230
the following information: 2231

(1) A brief description of the motor vehicle to be 2232
registered, including the year, make, model, and vehicle 2233
identification number, and, in the case of commercial cars, the 2234
gross weight of the vehicle fully equipped computed in the 2235
manner prescribed in section 4503.08 of the Revised Code; 2236

(2) The name and residence address of the owner, and the 2237
township and municipal corporation in which the owner resides; 2238

(3) The district of registration, which shall be 2239
determined as follows: 2240

(a) In case the motor vehicle to be registered is used for 2241
hire or principally in connection with any established business 2242
or branch business, conducted at a particular place, the 2243
district of registration is the municipal corporation in which 2244
that place is located or, if not located in any municipal 2245
corporation, the county and township in which that place is 2246
located. 2247

(b) In case the vehicle is not so used, the district of 2248
registration is the municipal corporation or county in which the 2249
owner resides at the time of making the application. 2250

(4) Whether the motor vehicle is a new or used motor 2251
vehicle; 2252

(5) The date of purchase of the motor vehicle; 2253

(6) Whether the fees required to be paid for the 2254
registration or transfer of the motor vehicle, during the 2255
preceding registration year and during the preceding period of 2256

the current registration year, have been paid. Each application 2257
for registration shall be signed by the owner, either manually 2258
or by electronic signature, or pursuant to obtaining a limited 2259
power of attorney authorized by the registrar for registration, 2260
or other document authorizing such signature. If the owner 2261
elects to apply for or renew the motor vehicle registration with 2262
the registrar by electronic means, the owner's manual signature 2263
is not required. 2264

(7) The owner's social security number, driver's license 2265
number, or state identification number, or, where a motor 2266
vehicle to be registered is used for hire or principally in 2267
connection with any established business, the owner's federal 2268
taxpayer identification number. The bureau of motor vehicles 2269
shall retain in its records all social security numbers provided 2270
under this section, but the bureau shall not place social 2271
security numbers on motor vehicle certificates of registration. 2272

(8) Whether the applicant wishes to certify willingness to 2273
make an anatomical gift if an applicant has not so certified 2274
under section 2108.05 of the Revised Code. The applicant's 2275
response shall not be considered in the decision of whether to 2276
approve the application for registration. 2277

(B) (1) When an applicant first registers a motor vehicle 2278
in the applicant's name, the applicant shall provide proof of 2279
ownership of that motor vehicle. Proof of ownership may include 2280
any of the following: 2281

(a) The applicant may present for inspection a physical 2282
certificate of title or memorandum certificate showing title to 2283
the motor vehicle to be registered in the name of the applicant. 2284

(b) The applicant may present for inspection an electronic 2285

certificate of title for the applicant's motor vehicle in a 2286
manner prescribed by rules adopted by the registrar. 2287

(c) The registrar or deputy registrar may electronically 2288
confirm the applicant's ownership of the motor vehicle. 2289

An applicant is not required to present a certificate of 2290
title to an electronic motor vehicle dealer acting as a limited 2291
authority deputy registrar in accordance with rules adopted by 2292
the registrar. 2293

(2) When a motor vehicle inspection and maintenance 2294
program is in effect under section 3704.14 of the Revised Code 2295
and rules adopted under it, each application for registration 2296
for a vehicle required to be inspected under that section and 2297
those rules shall be accompanied by an inspection certificate 2298
for the motor vehicle issued in accordance with that section. 2299

(3) An application for registration shall be refused if 2300
any of the following applies: 2301

(a) The application is not in proper form. 2302

(b) The application is prohibited from being accepted by 2303
division (D) of section 2935.27, division (A) of section 2304
2937.221, division (A) of section 4503.13, division (B) of 2305
section 4510.22, division (B)(1) of section 4521.10, or division 2306
(B) of section 5537.041 of the Revised Code. 2307

(c) Proof of ownership is required but is not presented or 2308
confirmed in accordance with division (B)(1) of this section. 2309

(d) All registration and transfer fees for the motor 2310
vehicle, for the preceding year or the preceding period of the 2311
current registration year, have not been paid. 2312

(e) The owner or lessee does not have an inspection 2313

certificate for the motor vehicle as provided in section 3704.14 2314
of the Revised Code, and rules adopted under it, if that section 2315
is applicable. 2316

(4) This section does not require the payment of license 2317
or registration taxes on a motor vehicle for any preceding year, 2318
or for any preceding period of a year, if the motor vehicle was 2319
not taxable for that preceding year or period under sections 2320
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 2321
of the Revised Code. 2322

(5) When a certificate of registration is issued upon the 2323
first registration of a motor vehicle by or on behalf of the 2324
owner, the official issuing the certificate shall indicate the 2325
issuance with a stamp on the certificate of title or memorandum 2326
certificate or, in the case of an electronic certificate of 2327
title or electronic verification of ownership, an electronic 2328
stamp or other notation as specified in rules adopted by the 2329
registrar, and with a stamp on the inspection certificate for 2330
the motor vehicle, if any. 2331

(6) The official also shall indicate, by a stamp or by 2332
other means the registrar prescribes, on the registration 2333
certificate issued upon the first registration of a motor 2334
vehicle by or on behalf of the owner the odometer reading of the 2335
motor vehicle as shown in the odometer statement included in or 2336
attached to the certificate of title. Upon each subsequent 2337
registration of the motor vehicle by or on behalf of the same 2338
owner, the official also shall so indicate the odometer reading 2339
of the motor vehicle as shown on the immediately preceding 2340
certificate of registration. 2341

(7) The registrar shall include in the permanent 2342
registration record of any vehicle required to be inspected 2343

under section 3704.14 of the Revised Code the inspection 2344
certificate number from the inspection certificate that is 2345
presented at the time of registration of the vehicle as required 2346
under this division. 2347

(C) (1) Except as otherwise provided in division (C) (1) of 2348
this section, the registrar and each deputy registrar shall 2349
collect an additional fee of eleven dollars for each application 2350
for registration and registration renewal received. For vehicles 2351
specified in divisions (A) (1) to (21) of section 4503.042 of the 2352
Revised Code, the registrar and deputy registrar shall collect 2353
an additional fee of thirty dollars for each application for 2354
registration and registration renewal received. No additional 2355
fee shall be charged for vehicles registered under section 2356
4503.65 of the Revised Code. The additional fee is for the 2357
purpose of defraying the department of public safety's costs 2358
associated with the administration and enforcement of the motor 2359
vehicle and traffic laws of Ohio. Each deputy registrar shall 2360
transmit the fees collected under divisions (C) (1) and (3) of 2361
this section in the time and manner provided in this section. 2362
The registrar shall deposit all moneys received under division 2363
(C) (1) of this section into the public safety - highway purposes 2364
fund established in section 4501.06 of the Revised Code. 2365

(2) In addition, a charge of twenty-five cents shall be 2366
made for each reflectorized safety license plate issued, and a 2367
single charge of twenty-five cents shall be made for each county 2368
identification sticker or each set of county identification 2369
stickers issued, as the case may be, to cover the cost of 2370
producing the license plates and stickers, including material, 2371
manufacturing, and administrative costs. Those fees shall be in 2372
addition to the license tax. If the total cost of producing the 2373
plates is less than twenty-five cents per plate, or if the total 2374

cost of producing the stickers is less than twenty-five cents 2375
per sticker or per set issued, any excess moneys accruing from 2376
the fees shall be distributed in the same manner as provided by 2377
section 4501.04 of the Revised Code for the distribution of 2378
license tax moneys. If the total cost of producing the plates 2379
exceeds twenty-five cents per plate, or if the total cost of 2380
producing the stickers exceeds twenty-five cents per sticker or 2381
per set issued, the difference shall be paid from the license 2382
tax moneys collected pursuant to section 4503.02 of the Revised 2383
Code. 2384

(3) The registrar and each deputy registrar shall collect 2385
the following additional fee, as applicable, for each 2386
application for registration or registration renewal received 2387
for any hybrid motor vehicle, plug-in hybrid electric motor 2388
vehicle, or battery electric motor vehicle: 2389

(a) One hundred dollars for a hybrid motor vehicle; 2390

(b) One hundred fifty dollars for a plug-in hybrid 2391
electric motor vehicle; 2392

(c) Two hundred dollars for a battery electric motor 2393
vehicle. 2394

Each fee imposed under this division shall be prorated 2395
based on the number of months for which the vehicle is 2396
registered. The registrar shall transmit all money arising from 2397
each fee to the treasurer of state for distribution in 2398
accordance with division (E) of section 5735.051 of the Revised 2399
Code, subject to division (D) of section 5735.05 of the Revised 2400
Code. 2401

(D) Each deputy registrar shall be allowed a fee equal to 2402
the amount established under section 4503.038 of the Revised 2403

Code for each application for registration and registration 2404
renewal notice the deputy registrar receives, which shall be for 2405
the purpose of compensating the deputy registrar for the deputy 2406
registrar's services, and such office and rental expenses, as 2407
may be necessary for the proper discharge of the deputy 2408
registrar's duties in the receiving of applications and renewal 2409
notices and the issuing of registrations. 2410

(E) Upon the certification of the registrar, the county 2411
sheriff or local police officials shall recover license plates 2412
erroneously or fraudulently issued. 2413

(F) Each deputy registrar, upon receipt of any application 2414
for registration or registration renewal notice, together with 2415
the license fee and any local motor vehicle license tax levied 2416
pursuant to Chapter 4504. of the Revised Code, shall transmit 2417
that fee and tax, if any, in the manner provided in this 2418
section, together with the original and duplicate copy of the 2419
application, to the registrar. The registrar, subject to the 2420
approval of the director of public safety, may deposit the funds 2421
collected by those deputies in a local bank or depository to the 2422
credit of the "state of Ohio, bureau of motor vehicles." Where a 2423
local bank or depository has been designated by the registrar, 2424
each deputy registrar shall deposit all moneys collected by the 2425
deputy registrar into that bank or depository not more than one 2426
business day after their collection and shall make reports to 2427
the registrar of the amounts so deposited, together with any 2428
other information, some of which may be prescribed by the 2429
treasurer of state, as the registrar may require and as 2430
prescribed by the registrar by rule. The registrar, within three 2431
days after receipt of notification of the deposit of funds by a 2432
deputy registrar in a local bank or depository, shall draw on 2433
that account in favor of the treasurer of state. The registrar, 2434

subject to the approval of the director and the treasurer of 2435
state, may make reasonable rules necessary for the prompt 2436
transmittal of fees and for safeguarding the interests of the 2437
state and of counties, townships, municipal corporations, and 2438
transportation improvement districts levying local motor vehicle 2439
license taxes. The registrar may pay service charges usually 2440
collected by banks and depositories for such service. If deputy 2441
registrars are located in communities where banking facilities 2442
are not available, they shall transmit the fees forthwith, by 2443
money order or otherwise, as the registrar, by rule approved by 2444
the director and the treasurer of state, may prescribe. The 2445
registrar may pay the usual and customary fees for such service. 2446

(G) This section does not prevent any person from making 2447
an application for a motor vehicle license directly to the 2448
registrar by mail, by electronic means, or in person at any of 2449
the registrar's offices, upon payment of a service fee equal to 2450
the amount established under section 4503.038 of the Revised 2451
Code for each application. 2452

(H) No person shall make a false statement as to the 2453
district of registration in an application required by division 2454
(A) of this section. Violation of this division is falsification 2455
under section 2921.13 of the Revised Code and punishable as 2456
specified in that section. 2457

(I) (1) Where applicable, the requirements of division (B) 2458
of this section relating to the presentation of an inspection 2459
certificate issued under section 3704.14 of the Revised Code and 2460
rules adopted under it for a motor vehicle, the refusal of a 2461
license for failure to present an inspection certificate, and 2462
the stamping of the inspection certificate by the official 2463
issuing the certificate of registration apply to the 2464

registration of and issuance of license plates for a motor 2465
vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 2466
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 2467
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised 2468
Code. 2469

(2) (a) The registrar shall adopt rules ensuring that each 2470
owner registering a motor vehicle in a county where a motor 2471
vehicle inspection and maintenance program is in effect under 2472
section 3704.14 of the Revised Code and rules adopted under it 2473
receives information about the requirements established in that 2474
section and those rules and about the need in those counties to 2475
present an inspection certificate with an application for 2476
registration or preregistration. 2477

(b) Upon request, the registrar shall provide the director 2478
of environmental protection, or any person that has been awarded 2479
a contract under section 3704.14 of the Revised Code, an on-line 2480
computer data link to registration information for all passenger 2481
cars, noncommercial motor vehicles, and commercial cars that are 2482
subject to that section. The registrar also shall provide to the 2483
director of environmental protection a magnetic data tape 2484
containing registration information regarding passenger cars, 2485
noncommercial motor vehicles, and commercial cars for which a 2486
multi-year registration is in effect under section 4503.103 of 2487
the Revised Code or rules adopted under it, including, without 2488
limitation, the date of issuance of the multi-year registration, 2489
the registration deadline established under rules adopted under 2490
section 4503.101 of the Revised Code that was applicable in the 2491
year in which the multi-year registration was issued, and the 2492
registration deadline for renewal of the multi-year 2493
registration. 2494

(J) Subject to division (K) of this section, application 2495
for registration under the international registration plan, as 2496
set forth in sections 4503.60 to 4503.66 of the Revised Code, 2497
shall be made to the registrar on forms furnished by the 2498
registrar. In accordance with international registration plan 2499
guidelines and pursuant to rules adopted by the registrar, the 2500
forms shall include the following: 2501

(1) A uniform mileage schedule; 2502

(2) The gross vehicle weight of the vehicle or combined 2503
gross vehicle weight of the combination vehicle as declared by 2504
the registrant; 2505

(3) Any other information the registrar requires by rule. 2506

(K) The registrar shall determine the feasibility of 2507
implementing an electronic commercial fleet licensing and 2508
management program that will enable the owners of commercial 2509
tractors, commercial trailers, and commercial semitrailers to 2510
conduct electronic transactions by July 1, 2010, or sooner. If 2511
the registrar determines that implementing such a program is 2512
feasible, the registrar shall adopt new rules under this 2513
division or amend existing rules adopted under this division as 2514
necessary in order to respond to advances in technology. 2515

If international registration plan guidelines and 2516
provisions allow member jurisdictions to permit applications for 2517
registrations under the international registration plan to be 2518
made via the internet, the rules the registrar adopts under this 2519
division shall permit such action. 2520

(L) The owner of every snowmobile, off-highway motorcycle, 2521
mini-truck, utility vehicle, and all-terrain vehicle required to 2522
be registered under section 4519.02 of the Revised Code shall 2523

file an application for registration under section 4519.03 of 2524
the Revised Code. The owner of a motor vehicle, other than a 2525
snowmobile, off-highway motorcycle, mini-truck, utility vehicle, 2526
and all-terrain vehicle, that is not designed and constructed by 2527
the manufacturer for operation on a street or highway may not 2528
register it under this chapter except upon certification of 2529
inspection pursuant to section 4513.02 of the Revised Code by 2530
the sheriff, or the chief of police of the municipal corporation 2531
or township, with jurisdiction over the political subdivision in 2532
which the owner of the motor vehicle resides. 2533

Sec. 4503.191. (A) (1) The identification license plate 2534
shall be issued for a multi-year period as determined by the 2535
director of public safety, and, except as provided in division 2536
(A) (3) of this section, shall be accompanied by a validation 2537
sticker, to be attached to the license plate. Except as provided 2538
in divisions (A) (2) and (3) of this section, the validation 2539
sticker shall indicate the expiration of the registration period 2540
to which the motor vehicle for which the license plate is issued 2541
is assigned, in accordance with rules adopted by the registrar 2542
of motor vehicles. During each succeeding year of the multi-year 2543
period following the issuance of the plate and validation 2544
sticker, upon the filing of an application for registration and 2545
the payment of the tax therefor, a validation sticker alone 2546
shall be issued. The validation stickers required under this 2547
section shall be of different colors or shades each year, the 2548
new colors or shades to be selected by the director. 2549

(2) (a) The director shall develop a universal validation 2550
sticker that may be issued to any owner of five hundred or more 2551
passenger vehicles, so that a sticker issued to the owner may be 2552
placed on any passenger vehicle in that owner's fleet. Beginning 2553
January 1, 2019, the universal validation sticker shall not have 2554

an expiration date on it and shall not need replaced at the time 2555
of registration, except in the event of the loss, mutilation, or 2556
destruction of the validation sticker. The director may 2557
establish and charge an additional fee of not more than one 2558
dollar per registration to compensate for necessary costs of the 2559
universal validation sticker program. The additional fee shall 2560
be credited to the public safety - highway purposes fund created 2561
in section 4501.06 of the Revised Code. The director shall 2562
select the color or shade of the universal validation sticker. 2563

(b) A validation sticker issued for an ~~all-purpose all-~~ 2564
terrain vehicle, mini-truck, or utility vehicle that is 2565
registered under Chapter 4519. of the Revised Code, for a 2566
noncommercial trailer that is permanently registered under 2567
section 4503.107 of the Revised Code, or for a trailer or 2568
semitrailer that is permanently registered under division (A) (2) 2569
of section 4503.103 of the Revised Code or is registered for any 2570
number of succeeding registration years may indicate the 2571
expiration of the registration period, if any, by any manner 2572
determined by the registrar by rule. 2573

(3) No validation sticker shall be issued, and a 2574
validation sticker is not required for display, on the license 2575
plate of a nonapportioned commercial tractor or any apportioned 2576
motor vehicle. 2577

(B) Identification license plates shall be produced by 2578
Ohio penal industries. Validation stickers and county 2579
identification stickers shall be produced by Ohio penal 2580
industries unless the registrar adopts rules expressly 2581
permitting the registrar or deputy registrars to provide for the 2582
printing or production of the stickers. 2583

Sec. 4503.312. As used in this section: 2584

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

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

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

A manufacturer, distributor, or retail seller of utility trailers or trailers for transporting motorcycles, snowmobiles, or ~~all-purpose~~ all-terrain vehicles may apply for registration with the registrar of motor vehicles for each place in this state where the manufacturer, distributor, or retail seller carries on the business of manufacturing, distributing, or selling at retail such trailers. Applications for annual registration shall be made at the time provided for payment of the tax imposed by section 4503.09 of the Revised Code; shall be in the manner to be prescribed by the registrar; and shall be accompanied by an affidavit certifying that the applicant is a manufacturer, distributor, or retail seller of utility trailers or trailers for transporting motorcycles, snowmobiles, or ~~all-purpose~~ all-terrain vehicles. The fee for such registration shall be twenty-five dollars and shall not be reduced when the registration is for a part of a year.

Upon the filing of the application and affidavit, and payment of the fee and appropriate postage as required by the registrar, the registrar shall assign to the applicant a distinctive number which shall be displayed on the rear of each

trailer when it is operated on the public highway. Any trailer 2615
for transporting motorcycles, snowmobiles, or ~~all-purpose-all-~~ 2616
terrain vehicles that is not loaded may be operated on the 2617
public highway until it is sold or transferred; and any utility 2618
trailer that is not loaded, or that is being used to transport 2619
another utility trailer for purposes of demonstration or 2620
delivery, may be operated on the public highway until it is sold 2621
or transferred. 2622

At the time the registrar assigns the distinctive number, 2623
the registrar shall furnish one placard with the number thereon. 2624
The manufacturer, distributor, or retail seller may procure a 2625
reasonable number of certified copies of the registration 2626
certificate upon the payment of a fee of five dollars and 2627
postage. With each of such certified copies, the registrar shall 2628
furnish one placard with the same number provided in the 2629
original registration certificate, and shall add thereto such 2630
special designation as necessary to distinguish one set of 2631
placards from another. All placards furnished by the registrar 2632
pursuant to this section shall be so marked as to be 2633
distinguishable from placards issued to dealers in or 2634
manufacturers of motor vehicles or trailers for transporting 2635
watercraft. 2636

The fees collected by the registrar pursuant to this 2637
section shall be paid into the public safety - highway purposes 2638
fund established by section 4501.06 of the Revised Code and used 2639
for the purposes described in that section. 2640

Sec. 4504.01. As used in this chapter: 2641

(A) "Motor vehicle" means all vehicles included within the 2642
definition of motor vehicle in ~~sections 4501.01 and 4505.01-~~ 2643
divisions (A) and (B) of section 4503.01 of the Revised Code ~~and-~~ 2644

~~also includes motorized bicycles.~~ "Motor vehicle" does not 2645
include a concrete pump or a concrete conveyor. 2646

(B) "County motor vehicle license tax" means a tax imposed 2647
by a county pursuant to this chapter. 2648

(C) "Township motor vehicle license tax" means a tax 2649
imposed by a township pursuant to this chapter. 2650

(D) "Municipal motor vehicle license tax" means a tax 2651
imposed by a municipal corporation pursuant to this chapter. 2652

(E) "Registrar" means the registrar of motor vehicles as 2653
provided in section 4501.02 of the Revised Code. 2654

(F) "Deputy registrar" means any deputy appointed by the 2655
registrar of motor vehicles pursuant to sections 4501.02 and 2656
4503.03 of the Revised Code. 2657

Sec. 4505.01. (A) As used in this chapter: 2658

"All-terrain vehicle" has the same meaning as in section 2659
4519.01 of the Revised Code. 2660

"Buyer" and "transferee" mean the applicant for a 2661
certificate of title. 2662

"Certificate of title" and "title" include an electronic 2663
certificate of title, unless otherwise specified. 2664

"Electronic certificate of title" means an electronic 2665
record stored in the automated title processing system that 2666
establishes ownership of a motor vehicle and any security 2667
interests that exist on that motor vehicle. 2668

"Lien" includes, unless the context requires a different 2669
meaning, a security interest in a motor vehicle. 2670

"Manufactured home" has the same meaning as section 2671

| | |
|--|--------------------------------------|
| 3781.06 of the Revised Code. | 2672 |
| "Manufactured housing dealer," "manufactured housing broker," and "manufactured housing salesperson" have the same meanings as in section 4781.01 of the Revised Code. | 2673
2674
2675 |
| <u>"Mini-truck" has the same meaning as in section 4519.01 of the Revised Code.</u> | 2676
2677 |
| "Mobile home" has the same meaning as in section 4501.01 of the Revised Code. | 2678
2679 |
| "Motor vehicle" includes manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds. <u>"Motor vehicle" does not include an off-highway motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or mini-truck.</u> | 2680
2681
2682
2683
2684 |
| "Motor vehicle dealer" and "dealer" have the same meaning as in section 4517.01 of the Revised Code and includes manufactured housing dealers. | 2685
2686
2687 |
| "Motor vehicle salesperson" includes manufactured housing salespersons. | 2688
2689 |
| <u>"Off-highway motorcycle" has the same meaning as in section 4519.01 of the Revised Code.</u> | 2690
2691 |
| "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. | 2692
2693
2694
2695
2696 |
| "Signature" includes an electronic signature as defined by section 1306.01 of the Revised Code. | 2697
2698 |

"Snowmobile" has the same meaning as in section 4519.01 of 2699
the Revised Code. 2700

"Utility vehicle" has the same meaning as in 4501.01 of 2701
the Revised Code. 2702

(B) The various certificates, applications, and 2703
assignments necessary to provide certificates of title for 2704
manufactured homes, mobile homes, recreational vehicles, and 2705
trailers and semitrailers whose weight exceeds four thousand 2706
pounds, shall be made upon forms prescribed by the registrar of 2707
motor vehicles. 2708

Sec. 4505.06. (A) (1) Application for a certificate of 2709
title shall be made in a form prescribed by the registrar of 2710
motor vehicles and shall be sworn to before a notary public or 2711
other officer empowered to administer oaths. The application 2712
shall be filed with the clerk of any court of common pleas. An 2713
application for a certificate of title may be filed 2714
electronically by any electronic means approved by the registrar 2715
in any county with the clerk of the court of common pleas of 2716
that county. Any payments required by this chapter shall be 2717
considered as accompanying any electronically transmitted 2718
application when payment actually is received by the clerk. 2719
Payment of any fee or taxes may be made by electronic transfer 2720
of funds. 2721

(2) The application for a certificate of title shall be 2722
accompanied by the fee prescribed in section 4505.09 of the 2723
Revised Code. The fee shall be retained by the clerk who issues 2724
the certificate of title and shall be distributed in accordance 2725
with that section. If a clerk of a court of common pleas, other 2726
than the clerk of the court of common pleas of an applicant's 2727
county of residence, issues a certificate of title to the 2728

applicant, the clerk shall transmit data related to the 2729
transaction to the automated title processing system. 2730

(3) If a certificate of title previously has been issued 2731
for a motor vehicle in this state, the application for a 2732
certificate of title also shall be accompanied by that 2733
certificate of title duly assigned, unless otherwise provided in 2734
this chapter. If a certificate of title previously has not been 2735
issued for the motor vehicle in this state, the application, 2736
unless otherwise provided in this chapter, shall be accompanied 2737
by a manufacturer's or importer's certificate or by a 2738
certificate of title of another state from which the motor 2739
vehicle was brought into this state. If the application refers 2740
to a motor vehicle last previously registered in another state, 2741
the application also shall be accompanied by the physical 2742
inspection certificate required by section 4505.061 of the 2743
Revised Code. If the application is made by two persons 2744
regarding a motor vehicle in which they wish to establish joint 2745
ownership with right of survivorship, they may do so as provided 2746
in section 2131.12 of the Revised Code. If the applicant 2747
requests a designation of the motor vehicle in beneficiary form 2748
so that upon the death of the owner of the motor vehicle, 2749
ownership of the motor vehicle will pass to a designated 2750
transfer-on-death beneficiary or beneficiaries, the applicant 2751
may do so as provided in section 2131.13 of the Revised Code. A 2752
person who establishes ownership of a motor vehicle that is 2753
transferable on death in accordance with section 2131.13 of the 2754
Revised Code may terminate that type of ownership or change the 2755
designation of the transfer-on-death beneficiary or 2756
beneficiaries by applying for a certificate of title pursuant to 2757
this section. The clerk shall retain the evidence of title 2758
presented by the applicant and on which the certificate of title 2759

is issued, except that, if an application for a certificate of 2760
title is filed electronically by an electronic motor vehicle 2761
dealer on behalf of the purchaser of a motor vehicle, the clerk 2762
shall retain the completed electronic record to which the dealer 2763
converted the certificate of title application and other 2764
required documents. The registrar, after consultation with the 2765
attorney general, shall adopt rules that govern the location at 2766
which, and the manner in which, are stored the actual 2767
application and all other documents relating to the transfer of 2768
a motor vehicle when an electronic motor vehicle dealer files 2769
the application for a certificate of title electronically on 2770
behalf of the purchaser. Not later than December 31, 2017, the 2771
registrar shall arrange for a service that enables all 2772
electronic motor vehicle dealers to file applications for 2773
certificates of title on behalf of purchasers of motor vehicles 2774
electronically by transferring the applications directly from 2775
the computer systems of the dealers to the clerk. 2776

The clerk shall use reasonable diligence in ascertaining 2777
whether or not the facts in the application for a certificate of 2778
title are true by checking the application and documents 2779
accompanying it or the electronic record to which a dealer 2780
converted the application and accompanying documents with the 2781
records of motor vehicles in the clerk's office. If the clerk is 2782
satisfied that the applicant is the owner of the motor vehicle 2783
and that the application is in the proper form, the clerk, 2784
within five business days after the application is filed and 2785
except as provided in section 4505.021 of the Revised Code, 2786
shall issue a physical certificate of title over the clerk's 2787
signature and sealed with the clerk's seal, unless the applicant 2788
specifically requests the clerk not to issue a physical 2789
certificate of title and instead to issue an electronic 2790

certificate of title. For purposes of the transfer of a 2791
certificate of title, if the clerk is satisfied that the secured 2792
party has duly discharged a lien notation but has not canceled 2793
the lien notation with a clerk, the clerk may cancel the lien 2794
notation on the automated title processing system and notify the 2795
clerk of the county of origin. 2796

(4) In the case of the sale of a motor vehicle to a 2797
general buyer or user by a dealer, by a motor vehicle leasing 2798
dealer selling the motor vehicle to the lessee or, in a case in 2799
which the leasing dealer subleased the motor vehicle, the 2800
sublessee, at the end of the lease agreement or sublease 2801
agreement, or by a manufactured housing broker, the certificate 2802
of title shall be obtained in the name of the buyer by the 2803
dealer, leasing dealer, or manufactured housing broker, as the 2804
case may be, upon application signed by the buyer. The 2805
certificate of title shall be issued, or the process of entering 2806
the certificate of title application information into the 2807
automated title processing system if a physical certificate of 2808
title is not to be issued shall be completed, within five 2809
business days after the application for title is filed with the 2810
clerk. If the buyer of the motor vehicle previously leased the 2811
motor vehicle and is buying the motor vehicle at the end of the 2812
lease pursuant to that lease, the certificate of title shall be 2813
obtained in the name of the buyer by the motor vehicle leasing 2814
dealer who previously leased the motor vehicle to the buyer or 2815
by the motor vehicle leasing dealer who subleased the motor 2816
vehicle to the buyer under a sublease agreement. 2817

In all other cases, except as provided in section 4505.032 2818
and division (D)(2) of section 4505.11 of the Revised Code, such 2819
certificates shall be obtained by the buyer. 2820

(5) (a) (i) If the certificate of title is being obtained in 2821
the name of the buyer by a motor vehicle dealer or motor vehicle 2822
leasing dealer and there is a security interest to be noted on 2823
the certificate of title, the dealer or leasing dealer shall 2824
submit the application for the certificate of title and payment 2825
of the applicable tax to a clerk within seven business days 2826
after the later of the delivery of the motor vehicle to the 2827
buyer or the date the dealer or leasing dealer obtains the 2828
manufacturer's or importer's certificate, or certificate of 2829
title issued in the name of the dealer or leasing dealer, for 2830
the motor vehicle. Submission of the application for the 2831
certificate of title and payment of the applicable tax within 2832
the required seven business days may be indicated by postmark or 2833
receipt by a clerk within that period. 2834

(ii) Upon receipt of the certificate of title with the 2835
security interest noted on its face, the dealer or leasing 2836
dealer shall forward the certificate of title to the secured 2837
party at the location noted in the financing documents or 2838
otherwise specified by the secured party. 2839

(iii) A motor vehicle dealer or motor vehicle leasing 2840
dealer is liable to a secured party for a late fee of ten 2841
dollars per day for each certificate of title application and 2842
payment of the applicable tax that is submitted to a clerk more 2843
than seven business days but less than twenty-one days after the 2844
later of the delivery of the motor vehicle to the buyer or the 2845
date the dealer or leasing dealer obtains the manufacturer's or 2846
importer's certificate, or certificate of title issued in the 2847
name of the dealer or leasing dealer, for the motor vehicle and, 2848
from then on, twenty-five dollars per day until the application 2849
and applicable tax are submitted to a clerk. 2850

(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.

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

party or the date on which an occupancy permit for the 2881
manufactured or mobile home is delivered to the purchaser by the 2882
appropriate legal authority, whichever occurs later. 2883

(6) If an application for a certificate of title is not 2884
filed within the period specified in division (A) (5) (b), (c), or 2885
(d) of this section, the clerk shall collect a fee of five 2886
dollars for the issuance of the certificate, except that no such 2887
fee shall be required from a motor vehicle salvage dealer, as 2888
defined in division (A) of section 4738.01 of the Revised Code, 2889
who immediately surrenders the certificate of title for 2890
cancellation. The fee shall be in addition to all other fees 2891
established by this chapter, and shall be retained by the clerk. 2892
The registrar shall provide, on the certificate of title form 2893
prescribed by section 4505.07 of the Revised Code, language 2894
necessary to give evidence of the date on which the assignment 2895
or delivery of the motor vehicle was made. 2896

(7) As used in division (A) of this section, "lease 2897
agreement," "lessee," and "sublease agreement" have the same 2898
meanings as in section 4505.04 of the Revised Code and "new 2899
manufactured home," "used manufactured home," and "used mobile 2900
home" have the same meanings as in section 5739.0210 of the 2901
Revised Code. 2902

(B) (1) The clerk, except as provided in this section, 2903
shall refuse to accept for filing any application for a 2904
certificate of title and shall refuse to issue a certificate of 2905
title unless the dealer or the applicant, in cases in which the 2906
certificate shall be obtained by the buyer, submits with the 2907
application payment of the tax levied by or pursuant to Chapters 2908
5739. and 5741. of the Revised Code based on the purchaser's 2909
county of residence. Upon payment of the tax in accordance with 2910

division (E) of this section, the clerk shall issue a receipt 2911
prescribed by the registrar and agreed upon by the tax 2912
commissioner showing payment of the tax or a receipt issued by 2913
the commissioner showing the payment of the tax. When submitting 2914
payment of the tax to the clerk, a dealer shall retain any 2915
discount to which the dealer is entitled under section 5739.12 2916
of the Revised Code. 2917

(2) For receiving and disbursing such taxes paid to the 2918
clerk by a resident of the clerk's county, the clerk may retain 2919
a poundage fee of one and one one-hundredth per cent, and the 2920
clerk shall pay the poundage fee into the certificate of title 2921
administration fund created by section 325.33 of the Revised 2922
Code. The clerk shall not retain a poundage fee from payments of 2923
taxes by persons who do not reside in the clerk's county. 2924

A clerk, however, may retain from the taxes paid to the 2925
clerk an amount equal to the poundage fees associated with 2926
certificates of title issued by other clerks of courts of common 2927
pleas to applicants who reside in the first clerk's county. The 2928
registrar, in consultation with the tax commissioner and the 2929
clerks of the courts of common pleas, shall develop a report 2930
from the automated title processing system that informs each 2931
clerk of the amount of the poundage fees that the clerk is 2932
permitted to retain from those taxes because of certificates of 2933
title issued by the clerks of other counties to applicants who 2934
reside in the first clerk's county. 2935

(3) In the case of casual sales of motor vehicles, as 2936
defined in section 4517.01 of the Revised Code, the price for 2937
the purpose of determining the tax shall be the purchase price 2938
on the assigned certificate of title, or assignment form 2939
prescribed by the registrar, executed by the seller and filed 2940

with the clerk by the buyer on a form to be prescribed by the 2941
registrar, which shall be prima-facie evidence of the amount for 2942
the determination of the tax. 2943

(4) Each county clerk shall forward to the treasurer of 2944
state all sales and use tax collections resulting from sales of 2945
motor vehicles, off-highway motorcycles, and ~~all-purpose-all-~~ 2946
terrain vehicles during a calendar week on or before the Friday 2947
following the close of that week. If, on any Friday, the offices 2948
of the clerk of courts or the state are not open for business, 2949
the tax shall be forwarded to the treasurer of state on or 2950
before the next day on which the offices are open. Every 2951
remittance of tax under division (B) (4) of this section shall be 2952
accompanied by a remittance report in such form as the tax 2953
commissioner prescribes. Upon receipt of a tax remittance and 2954
remittance report, the treasurer of state shall date stamp the 2955
report and forward it to the tax commissioner. If the tax due 2956
for any week is not remitted by a clerk of courts as required 2957
under division (B) (4) of this section, the commissioner may 2958
require the clerk to forfeit the poundage fees for the sales 2959
made during that week. The treasurer of state may require the 2960
clerks of courts to transmit tax collections and remittance 2961
reports electronically. 2962

(C) (1) If the transferor indicates on the certificate of 2963
title that the odometer reflects mileage in excess of the 2964
designed mechanical limit of the odometer, the clerk shall enter 2965
the phrase "exceeds mechanical limits" following the mileage 2966
designation. If the transferor indicates on the certificate of 2967
title that the odometer reading is not the actual mileage, the 2968
clerk shall enter the phrase "nonactual: warning - odometer 2969
discrepancy" following the mileage designation. The clerk shall 2970
use reasonable care in transferring the information supplied by 2971

the transferor, but is not liable for any errors or omissions of 2972
the clerk or those of the clerk's deputies in the performance of 2973
the clerk's duties created by this chapter. 2974

The registrar shall prescribe an affidavit in which the 2975
transferor shall swear to the true selling price and, except as 2976
provided in this division, the true odometer reading of the 2977
motor vehicle. The registrar may prescribe an affidavit in which 2978
the seller and buyer provide information pertaining to the 2979
odometer reading of the motor vehicle in addition to that 2980
required by this section, as such information may be required by 2981
the United States secretary of transportation by rule prescribed 2982
under authority of subchapter IV of the "Motor Vehicle 2983
Information and Cost Savings Act," 86 Stat. 961 (1972), 15 2984
U.S.C. 1981. 2985

(2) Division (C) (1) of this section does not require the 2986
giving of information concerning the odometer and odometer 2987
reading of a motor vehicle when ownership of a motor vehicle is 2988
being transferred as a result of a bequest, under the laws of 2989
intestate succession, to a survivor pursuant to section 2106.18, 2990
2131.12, or 4505.10 of the Revised Code, to a transfer-on-death 2991
beneficiary or beneficiaries pursuant to section 2131.13 of the 2992
Revised Code, in connection with the creation of a security 2993
interest or for a vehicle with a gross vehicle weight rating of 2994
more than sixteen thousand pounds. 2995

(D) When the transfer to the applicant was made in some 2996
other state or in interstate commerce, the clerk, except as 2997
provided in this section, shall refuse to issue any certificate 2998
of title unless the tax imposed by or pursuant to Chapter 5741. 2999
of the Revised Code based on the purchaser's county of residence 3000
has been paid as evidenced by a receipt issued by the tax 3001

commissioner, or unless the applicant submits with the 3002
application payment of the tax. Upon payment of the tax in 3003
accordance with division (E) of this section, the clerk shall 3004
issue a receipt prescribed by the registrar and agreed upon by 3005
the tax commissioner, showing payment of the tax. 3006

For receiving and disbursing such taxes paid to the clerk 3007
by a resident of the clerk's county, the clerk may retain a 3008
poundage fee of one and one one-hundredth per cent. The clerk 3009
shall not retain a poundage fee from payments of taxes by 3010
persons who do not reside in the clerk's county. 3011

A clerk, however, may retain from the taxes paid to the 3012
clerk an amount equal to the poundage fees associated with 3013
certificates of title issued by other clerks of courts of common 3014
pleas to applicants who reside in the first clerk's county. The 3015
registrar, in consultation with the tax commissioner and the 3016
clerks of the courts of common pleas, shall develop a report 3017
from the automated title processing system that informs each 3018
clerk of the amount of the poundage fees that the clerk is 3019
permitted to retain from those taxes because of certificates of 3020
title issued by the clerks of other counties to applicants who 3021
reside in the first clerk's county. 3022

When the vendor is not regularly engaged in the business 3023
of selling motor vehicles, the vendor shall not be required to 3024
purchase a vendor's license or make reports concerning those 3025
sales. 3026

(E) The clerk shall accept any payment of a tax in cash, 3027
or by cashier's check, certified check, draft, money order, or 3028
teller check issued by any insured financial institution payable 3029
to the clerk and submitted with an application for a certificate 3030
of title under division (B) or (D) of this section. The clerk 3031

also may accept payment of the tax by corporate, business, or 3032
personal check, credit card, electronic transfer or wire 3033
transfer, debit card, or any other accepted form of payment made 3034
payable to the clerk. The clerk may require bonds, guarantees, 3035
or letters of credit to ensure the collection of corporate, 3036
business, or personal checks. Any service fee charged by a third 3037
party to a clerk for the use of any form of payment may be paid 3038
by the clerk from the certificate of title administration fund 3039
created in section 325.33 of the Revised Code, or may be 3040
assessed by the clerk upon the applicant as an additional fee. 3041
Upon collection, the additional fees shall be paid by the clerk 3042
into that certificate of title administration fund. 3043

The clerk shall make a good faith effort to collect any 3044
payment of taxes due but not made because the payment was 3045
returned or dishonored, but the clerk is not personally liable 3046
for the payment of uncollected taxes or uncollected fees. The 3047
clerk shall notify the tax commissioner of any such payment of 3048
taxes that is due but not made and shall furnish the information 3049
to the commissioner that the commissioner requires. The clerk 3050
shall deduct the amount of taxes due but not paid from the 3051
clerk's periodic remittance of tax payments, in accordance with 3052
procedures agreed upon by the tax commissioner. The commissioner 3053
may collect taxes due by assessment in the manner provided in 3054
section 5739.13 of the Revised Code. 3055

Any person who presents payment that is returned or 3056
dishonored for any reason is liable to the clerk for payment of 3057
a penalty over and above the amount of the taxes due. The clerk 3058
shall determine the amount of the penalty, and the penalty shall 3059
be no greater than that amount necessary to compensate the clerk 3060
for banking charges, legal fees, or other expenses incurred by 3061
the clerk in collecting the returned or dishonored payment. The 3062

remedies and procedures provided in this section are in addition 3063
to any other available civil or criminal remedies. Subsequently 3064
collected penalties, poundage fees, and title fees, less any 3065
title fee due the state, from returned or dishonored payments 3066
collected by the clerk shall be paid into the certificate of 3067
title administration fund. Subsequently collected taxes, less 3068
poundage fees, shall be sent by the clerk to the treasurer of 3069
state at the next scheduled periodic remittance of tax payments, 3070
with information as the commissioner may require. The clerk may 3071
abate all or any part of any penalty assessed under this 3072
division. 3073

(F) In the following cases, the clerk shall accept for 3074
filing an application and shall issue a certificate of title 3075
without requiring payment or evidence of payment of the tax: 3076

(1) When the purchaser is this state or any of its 3077
political subdivisions, a church, or an organization whose 3078
purchases are exempted by section 5739.02 of the Revised Code; 3079

(2) When the transaction in this state is not a retail 3080
sale as defined by section 5739.01 of the Revised Code; 3081

(3) When the purchase is outside this state or in 3082
interstate commerce and the purpose of the purchaser is not to 3083
use, store, or consume within the meaning of section 5741.01 of 3084
the Revised Code; 3085

(4) When the purchaser is the federal government; 3086

(5) When the motor vehicle was purchased outside this 3087
state for use outside this state; 3088

(6) When the motor vehicle is purchased by a nonresident 3089
under the circumstances described in division (B)(1) of section 3090
5739.029 of the Revised Code, and upon presentation of a copy of 3091

the statement provided by that section, and a copy of the 3092
exemption certificate provided by section 5739.03 of the Revised 3093
Code. 3094

(G) An application, as prescribed by the registrar and 3095
agreed to by the tax commissioner, shall be filled out and sworn 3096
to by the buyer of a motor vehicle in a casual sale. The 3097
application shall contain the following notice in bold 3098
lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND 3099
BUYER): You are required by law to state the true selling price. 3100
A false statement is in violation of section 2921.13 of the 3101
Revised Code and is punishable by six months' imprisonment or a 3102
fine of up to one thousand dollars, or both. All transfers are 3103
audited by the department of taxation. The seller and buyer must 3104
provide any information requested by the department of taxation. 3105
The buyer may be assessed any additional tax found to be due." 3106

(H) For sales of manufactured homes or mobile homes 3107
occurring on or after January 1, 2000, the clerk shall accept 3108
for filing, pursuant to Chapter 5739. of the Revised Code, an 3109
application for a certificate of title for a manufactured home 3110
or mobile home without requiring payment of any tax pursuant to 3111
section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised 3112
Code, or a receipt issued by the tax commissioner showing 3113
payment of the tax. For sales of manufactured homes or mobile 3114
homes occurring on or after January 1, 2000, the applicant shall 3115
pay to the clerk an additional fee of five dollars for each 3116
certificate of title issued by the clerk for a manufactured or 3117
mobile home pursuant to division (H) of section 4505.11 of the 3118
Revised Code and for each certificate of title issued upon 3119
transfer of ownership of the home. The clerk shall credit the 3120
fee to the county certificate of title administration fund, and 3121
the fee shall be used to pay the expenses of archiving those 3122

certificates pursuant to division (A) of section 4505.08 and 3123
division (H) (3) of section 4505.11 of the Revised Code. The tax 3124
commissioner shall administer any tax on a manufactured or 3125
mobile home pursuant to Chapters 5739. and 5741. of the Revised 3126
Code. 3127

(I) Every clerk shall have the capability to transact by 3128
electronic means all procedures and transactions relating to the 3129
issuance of motor vehicle certificates of title that are 3130
described in the Revised Code as being accomplished by 3131
electronic means. 3132

Sec. 4505.09. (A) (1) The clerk of a court of common pleas 3133
shall charge and retain fees as follows: 3134

(a) Five dollars for each certificate of title that is not 3135
applied for within thirty days after the later of the assignment 3136
or delivery of the motor vehicle described in it. The entire fee 3137
shall be retained by the clerk. 3138

(b) Fifteen dollars for each certificate of title or 3139
duplicate certificate of title including the issuance of a 3140
memorandum certificate of title, or authorization to print a 3141
non-negotiable evidence of ownership described in division (G) 3142
of section 4505.08 of the Revised Code, non-negotiable evidence 3143
of ownership printed by the clerk under division (H) of that 3144
section, and notation of any lien on a certificate of title that 3145
is applied for at the same time as the certificate of title. The 3146
clerk shall retain eleven dollars and fifty cents of that fee 3147
for each certificate of title when there is a notation of a lien 3148
or security interest on the certificate of title, twelve dollars 3149
and twenty-five cents when there is no lien or security interest 3150
noted on the certificate of title, and eleven dollars and fifty 3151
cents for each duplicate certificate of title. 3152

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

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

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

(B)(1) The registrar shall pay twenty-five cents of the amount received for each certificate of title issued to a motor vehicle dealer for resale, one dollar for certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

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

(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The moneys in the motor vehicle dealers board fund shall be used by the motor vehicle dealers board

created under section 4517.30 of the Revised Code, together with 3182
other moneys appropriated to it, in the exercise of its powers 3183
and the performance of its duties under Chapter 4517. of the 3184
Revised Code, except that the director of budget and management 3185
may transfer excess money from the motor vehicle dealers board 3186
fund to the public safety - highway purposes fund if the 3187
registrar determines that the amount of money in the motor 3188
vehicle dealers board fund, together with other moneys 3189
appropriated to the board, exceeds the amount required for the 3190
exercise of its powers and the performance of its duties under 3191
Chapter 4517. of the Revised Code and requests the director to 3192
make the transfer. 3193

(b) Thirty-one cents shall be paid into the highway 3194
operating fund created by section 5735.051 of the Revised Code. 3195

(c) Fifteen cents shall be paid into the state treasury to 3196
the credit of the motor vehicle sales audit fund, which is 3197
hereby created. The moneys in the fund shall be used by the tax 3198
commissioner together with other funds available to the 3199
commissioner to conduct a continuing investigation of sales and 3200
use tax returns filed for motor vehicles in order to determine 3201
if sales and use tax liability has been satisfied. The 3202
commissioner shall refer cases of apparent violations of section 3203
2921.13 of the Revised Code made in connection with the titling 3204
or sale of a motor vehicle and cases of any other apparent 3205
violations of the sales or use tax law to the appropriate county 3206
prosecutor whenever the commissioner considers it advisable. 3207

(3) Two dollars of the amount received by the registrar 3208
under divisions (A) (1) (a), (b), and (d) of this section and one 3209
dollar and fifty cents of the amount received by the registrar 3210
under division (A) (1) (c) of this section for each certificate of 3211

title shall be paid into the state treasury to the credit of the 3212
automated title processing fund, which is hereby created and 3213
which shall consist of moneys collected under division (B) (3) of 3214
this section and under sections 1548.10 and 4519.59 of the 3215
Revised Code. All investment earnings of the fund shall be 3216
credited to the fund. The moneys in the fund shall be used as 3217
follows: 3218

(a) Except for moneys collected under section 1548.10 of 3219
the Revised Code, moneys collected under division (B) (3) of this 3220
section shall be used to implement and maintain an automated 3221
title processing system for the issuance of motor vehicle, off- 3222
highway motorcycle, and ~~all-purpose-all-terrain~~ vehicle 3223
certificates of title in the offices of the clerks of the courts 3224
of common pleas. Those moneys also shall be used to pay expenses 3225
that arise as a result of enabling electronic motor vehicle 3226
dealers to directly transfer applications for certificates of 3227
title under division (A) (3) of section 4505.06 of the Revised 3228
Code. 3229

(b) Moneys collected under section 1548.10 of the Revised 3230
Code shall be used to issue marine certificates of title in the 3231
offices of the clerks of the courts of common pleas as provided 3232
in Chapter 1548. of the Revised Code. 3233

(4) The registrar shall pay the fifty-cent separate fee 3234
collected from a licensed motor vehicle dealer under division 3235
(A) (1) (c) of this section into the title defect recision fund 3236
created by section 1345.52 of the Revised Code. 3237

(C) (1) The automated title processing board is hereby 3238
created consisting of the registrar or the registrar's 3239
representative, a person selected by the registrar, the 3240
president of the Ohio clerks of court association or the 3241

president's representative, and two clerks of courts of common 3242
pleas appointed by the governor. The director of budget and 3243
management or the director's designee, the chief of the division 3244
of parks and watercraft in the department of natural resources 3245
or the chief's designee, and the tax commissioner or the 3246
commissioner's designee shall be nonvoting members of the board. 3247
The purpose of the board is to facilitate the operation and 3248
maintenance of an automated title processing system and approve 3249
the procurement of automated title processing system equipment 3250
and ribbons, cartridges, or other devices necessary for the 3251
operation of that equipment. Voting members of the board, 3252
excluding the registrar or the registrar's representative, shall 3253
serve without compensation, but shall be reimbursed for travel 3254
and other necessary expenses incurred in the conduct of their 3255
official duties. The registrar or the registrar's representative 3256
shall receive neither compensation nor reimbursement as a board 3257
member. 3258

(2) The automated title processing board shall determine 3259
each of the following: 3260

(a) The automated title processing equipment and 3261
certificates of title requirements for each county; 3262

(b) The payment of expenses that may be incurred by the 3263
counties in implementing an automated title processing system; 3264

(c) The repayment to the counties for existing title 3265
processing equipment; 3266

(d) With the approval of the director of public safety, 3267
the award of grants from the automated title processing fund to 3268
the clerk of courts of any county who employs a person who 3269
assists with the design of, updates to, tests of, installation 3270

of, or any other activity related to, an automated title 3271
processing system. Any grant awarded under division (C) (2) (d) of 3272
this section shall be deposited into the appropriate county 3273
certificate of title administration fund created under section 3274
325.33 of the Revised Code and shall not be used to supplant any 3275
other funds. 3276

(3) The registrar shall purchase, lease, or otherwise 3277
acquire any automated title processing equipment and 3278
certificates of title that the board determines are necessary 3279
from moneys in the automated title processing fund established 3280
by division (B) (3) of this section. 3281

(D) All counties shall conform to the requirements of the 3282
registrar regarding the operation of their automated title 3283
processing system for motor vehicle titles, certificates of 3284
title for off-highway motorcycles and ~~all-purpose all-terrain~~ 3285
vehicles, certificates of title for snowmobiles, utility 3286
vehicles, and mini-trucks, and certificates of title for 3287
watercraft and outboard motors. 3288

~~Sec. 4505.11. This section shall also apply to all-purpose~~ 3289
~~vehicles and off-highway motorcycles as defined in section~~ 3290
~~4519.01 of the Revised Code.~~ 3291

(A) Each owner of a motor vehicle and each person 3292
mentioned as owner in the last certificate of title, when the 3293
motor vehicle is dismantled, destroyed, or changed in such 3294
manner that it loses its character as a motor vehicle, or 3295
changed in such manner that it is not the motor vehicle 3296
described in the certificate of title, shall surrender the 3297
certificate of title to that motor vehicle to a clerk of a court 3298
of common pleas, and the clerk, with the consent of any holders 3299
of any liens noted on the certificate of title, then shall enter 3300

a cancellation upon the clerk's records and shall notify the 3301
registrar of motor vehicles of the cancellation. 3302

Upon the cancellation of a certificate of title in the 3303
manner prescribed by this section, any clerk and the registrar 3304
of motor vehicles may cancel and destroy all certificates and 3305
all memorandum certificates in that chain of title. 3306

(B) (1) If an Ohio certificate of title, salvage 3307
certificate of title, or assignment form as prescribed by the 3308
registrar for a motor vehicle is assigned to a salvage dealer, 3309
the dealer is not required to obtain an Ohio certificate of 3310
title or a salvage certificate of title to the motor vehicle in 3311
the dealer's own name if the dealer dismantles or destroys the 3312
motor vehicle, indicates the number of the dealer's motor 3313
vehicle salvage dealer's license on it, marks "FOR DESTRUCTION" 3314
across the face of the certificate of title, salvage certificate 3315
of title, or assignment form and surrenders the certificate of 3316
title, salvage certificate of title, or assignment form to a 3317
clerk of a court of common pleas as provided in division (A) of 3318
this section. If the salvage dealer retains the motor vehicle 3319
for resale, the dealer shall make application for a salvage 3320
certificate of title to the motor vehicle in the dealer's own 3321
name as provided in division (C) (1) of this section. 3322

(2) At the time any salvage motor vehicle is sold at 3323
auction or through a pool, the salvage motor vehicle auction or 3324
salvage motor vehicle pool shall give a copy of the salvage 3325
certificate of title, certificate of title, or assignment form 3326
marked "FOR DESTRUCTION" to the purchaser. 3327

(C) (1) When an insurance company declares it economically 3328
impractical to repair such a motor vehicle and has paid an 3329
agreed price for the purchase of the motor vehicle to any 3330

insured or claimant owner, the insurance company shall proceed 3331
as follows: 3332

(a) If an insurance company receives the certificate of 3333
title and the motor vehicle, within thirty business days, the 3334
insurance company shall deliver the certificate of title to a 3335
clerk of a court of common pleas and shall make application for 3336
a salvage certificate of title. This certificate of title, any 3337
supporting power of attorney, or application for a salvage 3338
certificate of title shall be exempt from the requirements of 3339
notarization and verification as described in this chapter and 3340
in section 1337.25 of the Revised Code, and may be signed 3341
electronically. 3342

(b) If an insurance company obtains possession of the 3343
motor vehicle and a physical certificate of title was issued for 3344
the vehicle but the insurance company is unable to obtain the 3345
properly endorsed certificate of title for the motor vehicle 3346
within thirty business days following the vehicle's owner or 3347
lienholder's acceptance of the insurance company's payment for 3348
the vehicle, the insurance company may apply to the clerk of a 3349
court of common pleas for a salvage certificate of title without 3350
delivering the certificate of title for the motor vehicle. The 3351
application, which may be signed electronically, shall be 3352
accompanied by evidence that the insurance company has paid a 3353
total loss claim on the vehicle, a copy of the written request 3354
for the certificate of title from the insurance company or its 3355
designee, and proof that the request was delivered by a 3356
nationally recognized courier service to the last known address 3357
of the owner of the vehicle and any known lienholder, to obtain 3358
the certificate of title. 3359

(c) If an insurance company obtains possession of the 3360

motor vehicle and a physical certificate of title was not issued 3361
for the vehicle, the insurance company may apply to the clerk of 3362
a court of common pleas for a salvage certificate of title 3363
without delivering a certificate of title for the motor vehicle. 3364
The application shall be accompanied by the electronic 3365
certificate of title control number and a properly executed 3366
power of attorney, or other appropriate document, from the owner 3367
of the motor vehicle authorizing the insurance company to apply 3368
for a salvage certificate of title. The application for a 3369
salvage certificate of title, any supporting power of attorney, 3370
and any other appropriate document shall be exempt from the 3371
requirements of notarization and verification as described in 3372
this chapter and in section 1337.25 of the Revised Code, and may 3373
be signed electronically. 3374

(d) Upon receipt of a properly completed application for a 3375
salvage certificate of title as described in division (C) (1) (a), 3376
(b), or (c) or (C) (2) of this section, the clerk shall issue the 3377
salvage certificate of title on a form, prescribed by the 3378
registrar, that shall be easily distinguishable from the 3379
original certificate of title and shall bear the same 3380
information as the original certificate of title except that it 3381
may bear a different number than that of the original 3382
certificate of title. The salvage certificate of title shall 3383
include the following notice in bold lettering: 3384

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01." 3385

Except as provided in division (C) (3) of this section, the 3386
salvage certificate of title shall be assigned by the insurance 3387
company to a salvage dealer or any other person for use as 3388
evidence of ownership upon the sale or other disposition of the 3389
motor vehicle, and the salvage certificate of title shall be 3390

transferable to any other person. The clerk shall charge a fee 3391
of four dollars for the cost of processing each salvage 3392
certificate of title. 3393

(2) If an insurance company requests that a salvage motor 3394
vehicle auction take possession of a motor vehicle that is the 3395
subject of an insurance claim, and subsequently the insurance 3396
company denies coverage with respect to the motor vehicle or 3397
does not otherwise take ownership of the motor vehicle, the 3398
salvage motor vehicle auction may proceed as follows. After the 3399
salvage motor vehicle auction has possession of the motor 3400
vehicle for forty-five days, it may apply to the clerk of a 3401
court of common pleas for a salvage certificate of title without 3402
delivering the certificate of title for the motor vehicle. The 3403
application shall be accompanied by a copy of the written 3404
request that the vehicle be removed from the facility on the 3405
salvage motor vehicle auction's letterhead, and proof that the 3406
request was delivered by a nationally recognized courier service 3407
to the last known address of the owner of the vehicle and any 3408
known lienholder, requesting that the vehicle be removed from 3409
the facility of the salvage motor vehicle auction. Upon receipt 3410
of a properly completed application, the clerk shall follow the 3411
process as described in division (C)(1)(d) of this section. The 3412
salvage certificate of title so issued shall be free and clear 3413
of all liens. 3414

(3) If an insurance company considers a motor vehicle as 3415
described in division (C)(1)(a), (b), or (c) of this section to 3416
be impossible to restore for highway operation, the insurance 3417
company may assign the certificate of title to the motor vehicle 3418
to a salvage dealer or scrap metal processing facility and send 3419
the assigned certificate of title to the clerk of the court of 3420
common pleas of any county. The insurance company shall mark the 3421

face of the certificate of title "FOR DESTRUCTION" and shall 3422
deliver a photocopy of the certificate of title to the salvage 3423
dealer or scrap metal processing facility for its records. 3424

(4) If an insurance company declares it economically 3425
impractical to repair a motor vehicle, agrees to pay to the 3426
insured or claimant owner an amount in settlement of a claim 3427
against a policy of motor vehicle insurance covering the motor 3428
vehicle, and agrees to permit the insured or claimant owner to 3429
retain possession of the motor vehicle, the insurance company 3430
shall not pay the insured or claimant owner any amount in 3431
settlement of the insurance claim until the owner obtains a 3432
salvage certificate of title to the vehicle and furnishes a copy 3433
of the salvage certificate of title to the insurance company. 3434

(D) When a self-insured organization, rental or leasing 3435
company, or secured creditor becomes the owner of a motor 3436
vehicle that is burned, damaged, or dismantled and is determined 3437
to be economically impractical to repair, the self-insured 3438
organization, rental or leasing company, or secured creditor 3439
shall do one of the following: 3440

(1) Mark the face of the certificate of title to the motor 3441
vehicle, or assignment form as prescribed by the registrar, "FOR 3442
DESTRUCTION" and surrender the certificate of title or 3443
assignment form to a clerk of a court of common pleas for 3444
cancellation as described in division (A) of this section. The 3445
self-insured organization, rental or leasing company, or secured 3446
creditor then shall deliver the motor vehicle, together with a 3447
photocopy of the certificate of title or assignment form, to a 3448
salvage dealer or scrap metal processing facility and shall 3449
cause the motor vehicle to be dismantled, flattened, crushed, or 3450
destroyed. 3451

(2) Obtain a salvage certificate of title to the motor 3452
vehicle in the name of the self-insured organization, rental or 3453
leasing company, or secured creditor, as provided in division 3454
(C) (1) of this section, and then sell or otherwise dispose of 3455
the motor vehicle. If the motor vehicle is sold, the self- 3456
insured organization, rental or leasing company, or secured 3457
creditor shall obtain a salvage certificate of title to the 3458
motor vehicle in the name of the purchaser from a clerk of a 3459
court of common pleas. 3460

(E) If a motor vehicle titled with a salvage certificate 3461
of title is restored for operation upon the highways, 3462
application shall be made to a clerk of a court of common pleas 3463
for a certificate of title. Upon inspection by the state highway 3464
patrol, which shall include establishing proof of ownership and 3465
an inspection of the motor number and vehicle identification 3466
number of the motor vehicle and of documentation or receipts for 3467
the materials used in restoration by the owner of the motor 3468
vehicle being inspected, which documentation or receipts shall 3469
be presented at the time of inspection, the clerk, upon 3470
surrender of the salvage certificate of title, shall issue a 3471
certificate of title for a fee prescribed by the registrar. The 3472
certificate of title shall be in the same form as the original 3473
certificate of title and shall bear the words "REBUILT SALVAGE" 3474
in black boldface letters on its face. Every subsequent 3475
certificate of title, memorandum certificate of title, or 3476
duplicate certificate of title issued for the motor vehicle also 3477
shall bear the words "REBUILT SALVAGE" in black boldface letters 3478
on its face. The exact location on the face of the certificate 3479
of title of the words "REBUILT SALVAGE" shall be determined by 3480
the registrar, who shall develop an automated procedure within 3481
the automated title processing system to comply with this 3482

division. The clerk shall use reasonable care in performing the 3483
duties imposed on the clerk by this division in issuing a 3484
certificate of title pursuant to this division, but the clerk is 3485
not liable for any of the clerk's errors or omissions or those 3486
of the clerk's deputies, or the automated title processing 3487
system in the performance of those duties. A fee of fifty 3488
dollars shall be assessed by the state highway patrol for each 3489
inspection made pursuant to this division and shall be deposited 3490
into the public safety - highway purposes fund established by 3491
section 4501.06 of the Revised Code. 3492

(F) No person shall operate upon the highways in this 3493
state a motor vehicle, title to which is evidenced by a salvage 3494
certificate of title, except to deliver the motor vehicle 3495
pursuant to an appointment for an inspection under this section. 3496

(G) No motor vehicle the certificate of title or 3497
assignment form to which has been marked "FOR DESTRUCTION" and 3498
surrendered to a clerk of a court of common pleas shall be used 3499
for anything except parts and scrap metal. 3500

(H) (1) Except as otherwise provided in this division, an 3501
owner of a manufactured or mobile home that will be taxed as 3502
real property pursuant to division (B) of section 4503.06 of the 3503
Revised Code shall surrender the certificate of title to the 3504
auditor of the county containing the taxing district in which 3505
the home is located. An owner whose home qualifies for real 3506
property taxation under divisions (B) (1) (a) and (b) of section 3507
4503.06 of the Revised Code shall surrender the certificate 3508
within fifteen days after the home meets the conditions 3509
specified in those divisions. The auditor shall deliver the 3510
certificate of title to the clerk of the court of common pleas 3511
who issued it. 3512

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

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

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

(3) Upon the delivery of a certificate of title by the county auditor to the clerk, the clerk shall inactivate it and maintain it in the automated title processing system for a period of thirty years.

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

of the following: 3543

(a) An endorsement of the county treasurer that all real 3544
property taxes charged against the home under Title LVII of the 3545
Revised Code and division (B) of section 4503.06 of the Revised 3546
Code for all preceding tax years have been paid; 3547

(b) An endorsement of the county auditor that the home 3548
will be removed from the real property tax list; 3549

(c) Proof that there are no outstanding mortgages or other 3550
liens on the home or, if there are such mortgages or other 3551
liens, that the mortgagee or lienholder has consented to the 3552
reactivation of the certificate of title. 3553

(I) (1) Whoever violates division (F) of this section shall 3554
be fined not more than two thousand dollars, imprisoned not more 3555
than one year, or both. 3556

(2) Whoever violates division (G) of this section shall be 3557
fined not more than one thousand dollars, imprisoned not more 3558
than six months, or both. 3559

Sec. 4510.036. (A) The bureau of motor vehicles shall 3560
record within ten days of conviction or bail forfeiture and 3561
shall keep at its main office, all abstracts received under this 3562
section or section 4510.03, 4510.031, 4510.032, or 4510.034 of 3563
the Revised Code and shall maintain records of convictions and 3564
bond forfeitures for any violation of a state law or a municipal 3565
ordinance regulating the operation of vehicles, streetcars, and 3566
trackless trolleys on highways and streets, except a violation 3567
related to parking a motor vehicle. 3568

(B) Every court of record or mayor's court before which a 3569
person is charged with a violation for which points are 3570
chargeable by this section shall assess and transcribe to the 3571

abstract of conviction that is furnished by the bureau to the 3572
court the number of points chargeable by this section in the 3573
correct space assigned on the reporting form. A United States 3574
district court that has jurisdiction within this state and 3575
before which a person is charged with a violation for which 3576
points are chargeable by this section may assess and transcribe 3577
to the abstract of conviction report that is furnished by the 3578
bureau the number of points chargeable by this section in the 3579
correct space assigned on the reporting form. If the federal 3580
court so assesses and transcribes the points chargeable for the 3581
offense and furnishes the report to the bureau, the bureau shall 3582
record the points in the same manner as those assessed and 3583
transcribed by a court of record or mayor's court. 3584

(C) A court shall assess the following points for an 3585
offense based on the following formula: 3586

(1) Aggravated vehicular homicide, vehicular homicide, 3587
vehicular manslaughter, aggravated vehicular assault, or 3588
vehicular assault when the offense involves the operation of a 3589
vehicle, streetcar, or trackless trolley on a highway or street 3590
_____ 6 points 3591

(2) A violation of section 2921.331 of the Revised Code or 3592
any ordinance prohibiting the ~~willful~~purposeful fleeing or 3593
eluding of a law enforcement officer _____ 6 points 3594

(3) A violation of section 4549.02 or 4549.021 of the 3595
Revised Code or any ordinance requiring the driver of a vehicle 3596
to stop and disclose identity at the scene of an accident 3597
_____ 6 points 3598

(4) A violation of section 4511.251 of the Revised Code or 3599
any ordinance prohibiting street racing _____ 6 points 3600

(5) A violation of section 4510.037 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 a twelve-point suspension _____ 6 points

(6) A violation of section 4510.14 of the Revised Code, or any ordinance prohibiting the operation of a motor vehicle upon the public roads or highways within this state while the driver's or commercial driver's license of the person is under suspension and the suspension was imposed under section 4511.19, 4511.191, or 4511.196 of the Revised Code or section 4510.07 of the Revised Code due to a conviction for a violation of a municipal OVI ordinance or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension for an OVI offense _____ 6 points

(7) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine _____ 6 points

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

(9) Any offense under the motor vehicle laws of this state that is a felony, or any other felony in the commission of which

a motor vehicle was used _____ 6 points 3631

(10) A violation of division (B) of section 4511.19 of the Revised Code or any ordinance substantially equivalent to that division prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine _____ 4 points 3632
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(11) A violation of section 4511.20 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property _____ 4 points 3637
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3639
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(12) A violation of any law or ordinance pertaining to speed: 3641
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(a) Notwithstanding divisions (C) (12) (b) and (c) of this section, when the speed exceeds the lawful speed limit by thirty miles per hour or more _____ 4 points 3643
3644
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(b) When the speed exceeds the lawful speed limit of fifty-five miles per hour or more by more than ten miles per hour _____ 2 points 3646
3647
3648

(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 3649
3650
3651

(d) When the speed does not exceed the amounts set forth in divisions (C) (12) (a), (b), or (c) of this section _____ 0 points 3652
3653
3654

(13) A violation of division (A) of section 4511.204 of the Revised Code or any substantially similar municipal ordinance: 3655
3656
3657

(a) For a first offense within any two-year period 3658

| | |
|--|--|
| _____ 2 points | 3659 |
| (b) For a second offense within any two-year period | 3660 |
| _____ 3 points | 3661 |
| (c) For a third or subsequent offense within any two-year period _____ 4 points. | 3662
3663 |
| (14) Operating a motor vehicle in violation of a restriction imposed by the registrar _____ 2 points | 3664
3665 |
| (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 | 3666
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3669 |
| (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 | 3670
3671
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3673 |
| (D) Upon receiving notification from the proper court, including a United States district court that has jurisdiction within this state, the bureau shall delete any points entered for a bond forfeiture if the driver is acquitted of the offense for which bond was posted. | 3674
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3678 |
| (E) If a person is convicted of or forfeits bail for two or more offenses arising out of the same facts and points are chargeable for each of the offenses, points shall be charged for only the conviction or bond forfeiture for which the greater number of points is chargeable, and, if the number of points chargeable for each offense is equal, only one offense shall be recorded, and points shall be charged only for that offense. | 3679
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3685 |
| Sec. 4511.01. As used in this chapter and in Chapter 4513. | 3686 |

of the Revised Code: 3687

(A) "Vehicle" means every device, including a motorized 3688
bicycle and an electric bicycle, in, upon, or by which any 3689
person or property may be transported or drawn upon a highway, 3690
except that "vehicle" does not include any motorized wheelchair, 3691
any electric personal assistive mobility device, any low-speed 3692
micromobility device, any personal delivery device as defined in 3693
section 4511.513 of the Revised Code, any device that is moved 3694
by power collected from overhead electric trolley wires or that 3695
is used exclusively upon stationary rails or tracks, or any 3696
device, other than a bicycle, that is moved by human power. 3697

(B) "Motor vehicle" means every vehicle propelled or drawn 3698
by power other than muscular power or power collected from 3699
overhead electric trolley wires, except motorized bicycles, 3700
electric bicycles, road rollers, traction engines, power 3701
shovels, power cranes, and other equipment used in construction 3702
work and not designed for or employed in general highway 3703
transportation, hole-digging machinery, well-drilling machinery, 3704
ditch-digging machinery, farm machinery, and trailers designed 3705
and used exclusively to transport a boat between a place of 3706
storage and a marina, or in and around a marina, when drawn or 3707
towed on a street or highway for a distance of no more than ten 3708
miles and at a speed of twenty-five miles per hour or less. 3709

(C) "Motorcycle" means every motor vehicle, other than a 3710
tractor, having a seat or saddle for the use of the operator and 3711
designed to travel on not more than three wheels in contact with 3712
the ground, including, but not limited to, motor vehicles known 3713
as "motor-driven cycle," "motor scooter," "autocycle," "cab- 3714
enclosed motorcycle," or "motorcycle" without regard to weight 3715
or brake horsepower. 3716

(D) "Emergency vehicle" means emergency vehicles of 3717
municipal, township, or county departments or public utility 3718
corporations when identified as such as required by law, the 3719
director of public safety, or local authorities, and motor 3720
vehicles when commandeered by a police officer. 3721

(E) "Public safety vehicle" means any of the following: 3722

(1) Ambulances, including private ambulance companies 3723
under contract to a municipal corporation, township, or county, 3724
and private ambulances and nontransport vehicles bearing license 3725
plates issued under section 4503.49 of the Revised Code; 3726

(2) Motor vehicles used by public law enforcement officers 3727
or other persons sworn to enforce the criminal and traffic laws 3728
of the state; 3729

(3) Any motor vehicle when properly identified as required 3730
by the director of public safety, when used in response to fire 3731
emergency calls or to provide emergency medical service to ill 3732
or injured persons, and when operated by a duly qualified person 3733
who is a member of a volunteer rescue service or a volunteer 3734
fire department, and who is on duty pursuant to the rules or 3735
directives of that service. The state fire marshal shall be 3736
designated by the director of public safety as the certifying 3737
agency for all public safety vehicles described in division (E) 3738
(3) of this section. 3739

(4) Vehicles used by fire departments, including motor 3740
vehicles when used by volunteer fire fighters responding to 3741
emergency calls in the fire department service when identified 3742
as required by the director of public safety. 3743

Any vehicle used to transport or provide emergency medical 3744
service to an ill or injured person, when certified as a public 3745

safety vehicle, shall be considered a public safety vehicle when 3746
transporting an ill or injured person to a hospital regardless 3747
of whether such vehicle has already passed a hospital. 3748

(5) Vehicles used by the motor carrier enforcement unit 3749
for the enforcement of orders and rules of the public utilities 3750
commission as specified in section 5503.34 of the Revised Code. 3751

(F) "School bus" means every bus designed for carrying 3752
more than nine passengers that is owned by a public, private, or 3753
governmental agency or institution of learning and operated for 3754
the transportation of children to or from a school session or a 3755
school function, or owned by a private person and operated for 3756
compensation for the transportation of children to or from a 3757
school session or a school function, provided "school bus" does 3758
not include a bus operated by a municipally owned transportation 3759
system, a mass transit company operating exclusively within the 3760
territorial limits of a municipal corporation, or within such 3761
limits and the territorial limits of municipal corporations 3762
immediately contiguous to such municipal corporation, nor a 3763
common passenger carrier certified by the public utilities 3764
commission unless such bus is devoted exclusively to the 3765
transportation of children to and from a school session or a 3766
school function, and "school bus" does not include a van or bus 3767
used by a licensed child day-care center or type A family day- 3768
care home to transport children from the child day-care center 3769
or type A family day-care home to a school if the van or bus 3770
does not have more than fifteen children in the van or bus at 3771
any time. 3772

(G) "Bicycle" means every device, other than a device that 3773
is designed solely for use as a play vehicle by a child, that is 3774
propelled solely by human power upon which a person may ride, 3775

and that has two or more wheels, any of which is more than 3776
fourteen inches in diameter. 3777

(H) "Motorized bicycle" or "moped" means any vehicle 3778
having either two tandem wheels or one wheel in the front and 3779
two wheels in the rear, that may be pedaled, and that is 3780
equipped with a helper motor of not more than fifty cubic 3781
centimeters piston displacement that produces not more than one 3782
brake horsepower and is capable of propelling the vehicle at a 3783
speed of not greater than twenty miles per hour on a level 3784
surface. "Motorized bicycle" or "moped" does not include an 3785
electric bicycle. 3786

(I) "Commercial tractor" means every motor vehicle having 3787
motive power designed or used for drawing other vehicles and not 3788
so constructed as to carry any load thereon, or designed or used 3789
for drawing other vehicles while carrying a portion of such 3790
other vehicles, or load thereon, or both. 3791

(J) "Agricultural tractor" means every self-propelling 3792
vehicle designed or used for drawing other vehicles or wheeled 3793
machinery but having no provision for carrying loads 3794
independently of such other vehicles, and used principally for 3795
agricultural purposes. 3796

(K) "Truck" means every motor vehicle, except trailers and 3797
semitrailers, designed and used to carry property. 3798

(L) "Bus" means every motor vehicle designed for carrying 3799
more than nine passengers and used for the transportation of 3800
persons other than in a ridesharing arrangement, and every motor 3801
vehicle, automobile for hire, or funeral car, other than a 3802
taxicab or motor vehicle used in a ridesharing arrangement, 3803
designed and used for the transportation of persons for 3804

compensation. 3805

(M) "Trailer" means every vehicle designed or used for 3806
carrying persons or property wholly on its own structure and for 3807
being drawn by a motor vehicle, including any such vehicle when 3808
formed by or operated as a combination of a "semitrailer" and a 3809
vehicle of the dolly type, such as that commonly known as a 3810
"trailer dolly," a vehicle used to transport agricultural 3811
produce or agricultural production materials between a local 3812
place of storage or supply and the farm when drawn or towed on a 3813
street or highway at a speed greater than twenty-five miles per 3814
hour, and a vehicle designed and used exclusively to transport a 3815
boat between a place of storage and a marina, or in and around a 3816
marina, when drawn or towed on a street or highway for a 3817
distance of more than ten miles or at a speed of more than 3818
twenty-five miles per hour. 3819

(N) "Semitrailer" means every vehicle designed or used for 3820
carrying persons or property with another and separate motor 3821
vehicle so that in operation a part of its own weight or that of 3822
its load, or both, rests upon and is carried by another vehicle. 3823

(O) "Pole trailer" means every trailer or semitrailer 3824
attached to the towing vehicle by means of a reach, pole, or by 3825
being boomed or otherwise secured to the towing vehicle, and 3826
ordinarily used for transporting long or irregular shaped loads 3827
such as poles, pipes, or structural members capable, generally, 3828
of sustaining themselves as beams between the supporting 3829
connections. 3830

(P) "Railroad" means a carrier of persons or property 3831
operating upon rails placed principally on a private right-of- 3832
way. 3833

(Q) "Railroad train" means a steam engine or an electric 3834
or other motor, with or without cars coupled thereto, operated 3835
by a railroad. 3836

(R) "Streetcar" means a car, other than a railroad train, 3837
for transporting persons or property, operated upon rails 3838
principally within a street or highway. 3839

(S) "Trackless trolley" means every car that collects its 3840
power from overhead electric trolley wires and that is not 3841
operated upon rails or tracks. 3842

(T) "Explosives" means any chemical compound or mechanical 3843
mixture that is intended for the purpose of producing an 3844
explosion that contains any oxidizing and combustible units or 3845
other ingredients in such proportions, quantities, or packing 3846
that an ignition by fire, by friction, by concussion, by 3847
percussion, or by a detonator of any part of the compound or 3848
mixture may cause such a sudden generation of highly heated 3849
gases that the resultant gaseous pressures are capable of 3850
producing destructive effects on contiguous objects, or of 3851
destroying life or limb. Manufactured articles shall not be held 3852
to be explosives when the individual units contain explosives in 3853
such limited quantities, of such nature, or in such packing, 3854
that it is impossible to procure a simultaneous or a destructive 3855
explosion of such units, to the injury of life, limb, or 3856
property by fire, by friction, by concussion, by percussion, or 3857
by a detonator, such as fixed ammunition for small arms, 3858
firecrackers, or safety fuse matches. 3859

(U) "Flammable liquid" means any liquid that has a flash 3860
point of seventy degrees fahrenheit, or less, as determined by a 3861
tagliabue or equivalent closed cup test device. 3862

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| (V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon. | 3863
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| (W) "Person" means every natural person, firm, co-partnership, association, or corporation. | 3865
3866 |
| (X) "Pedestrian" means any natural person afoot.
"Pedestrian" includes a personal delivery device as defined in section 4511.513 of the Revised Code unless the context clearly suggests otherwise. | 3867
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| (Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar. | 3871
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| (Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations. | 3874
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| (AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state. | 3877
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3879 |
| (BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. | 3880
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3882 |
| (CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. | 3883
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| (DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and | 3889
3890 |

those having express or implied permission from the owner but 3891
not by other persons. 3892

(EE) "Roadway" means that portion of a highway improved, 3893
designed, or ordinarily used for vehicular travel, except the 3894
berm or shoulder. If a highway includes two or more separate 3895
roadways the term "roadway" means any such roadway separately 3896
but not all such roadways collectively. 3897

(FF) "Sidewalk" means that portion of a street between the 3898
curb lines, or the lateral lines of a roadway, and the adjacent 3899
property lines, intended for the use of pedestrians. 3900

(GG) "Laned highway" means a highway the roadway of which 3901
is divided into two or more clearly marked lanes for vehicular 3902
traffic. 3903

(HH) "Through highway" means every street or highway as 3904
provided in section 4511.65 of the Revised Code. 3905

(II) "State highway" means a highway under the 3906
jurisdiction of the department of transportation, outside the 3907
limits of municipal corporations, provided that the authority 3908
conferred upon the director of transportation in section 5511.01 3909
of the Revised Code to erect state highway route markers and 3910
signs directing traffic shall not be modified by sections 3911
4511.01 to 4511.79 and 4511.99 of the Revised Code. 3912

(JJ) "State route" means every highway that is designated 3913
with an official state route number and so marked. 3914

(KK) "Intersection" means: 3915

(1) The area embraced within the prolongation or 3916
connection of the lateral curb lines, or, if none, the lateral 3917
boundary lines of the roadways of two highways that join one 3918

another at, or approximately at, right angles, or the area 3919
within which vehicles traveling upon different highways that 3920
join at any other angle might come into conflict. The junction 3921
of an alley or driveway with a roadway or highway does not 3922
constitute an intersection unless the roadway or highway at the 3923
junction is controlled by a traffic control device. 3924

(2) If a highway includes two roadways that are thirty 3925
feet or more apart, then every crossing of each roadway of such 3926
divided highway by an intersecting highway constitutes a 3927
separate intersection. If both intersecting highways include two 3928
roadways thirty feet or more apart, then every crossing of any 3929
two roadways of such highways constitutes a separate 3930
intersection. 3931

(3) At a location controlled by a traffic control signal, 3932
regardless of the distance between the separate intersections as 3933
described in division (KK)(2) of this section: 3934

(a) If a stop line, yield line, or crosswalk has not been 3935
designated on the roadway within the median between the separate 3936
intersections, the two intersections and the roadway and median 3937
constitute one intersection. 3938

(b) Where a stop line, yield line, or crosswalk line is 3939
designated on the roadway on the intersection approach, the area 3940
within the crosswalk and any area beyond the designated stop 3941
line or yield line constitute part of the intersection. 3942

(c) Where a crosswalk is designated on a roadway on the 3943
departure from the intersection, the intersection includes the 3944
area that extends to the far side of the crosswalk. 3945

(LL) "Crosswalk" means: 3946

(1) That part of a roadway at intersections ordinarily 3947

included within the real or projected prolongation of property 3948
lines and curb lines or, in the absence of curbs, the edges of 3949
the traversable roadway; 3950

(2) Any portion of a roadway at an intersection or 3951
elsewhere, distinctly indicated for pedestrian crossing by lines 3952
or other markings on the surface; 3953

(3) Notwithstanding divisions (LL) (1) and (2) of this 3954
section, there shall not be a crosswalk where local authorities 3955
have placed signs indicating no crossing. 3956

(MM) "Safety zone" means the area or space officially set 3957
apart within a roadway for the exclusive use of pedestrians and 3958
protected or marked or indicated by adequate signs as to be 3959
plainly visible at all times. 3960

(NN) "Business district" means the territory fronting upon 3961
a street or highway, including the street or highway, between 3962
successive intersections within municipal corporations where 3963
fifty per cent or more of the frontage between such successive 3964
intersections is occupied by buildings in use for business, or 3965
within or outside municipal corporations where fifty per cent or 3966
more of the frontage for a distance of three hundred feet or 3967
more is occupied by buildings in use for business, and the 3968
character of such territory is indicated by official traffic 3969
control devices. 3970

(OO) "Residence district" means the territory, not 3971
comprising a business district, fronting on a street or highway, 3972
including the street or highway, where, for a distance of three 3973
hundred feet or more, the frontage is improved with residences 3974
or residences and buildings in use for business. 3975

(PP) "Urban district" means the territory contiguous to 3976

and including any street or highway which is built up with 3977
structures devoted to business, industry, or dwelling houses 3978
situated at intervals of less than one hundred feet for a 3979
distance of a quarter of a mile or more, and the character of 3980
such territory is indicated by official traffic control devices. 3981

(QQ) "Traffic control device" means a flagger, sign, 3982
signal, marking, or other device used to regulate, warn, or 3983
guide traffic, placed on, over, or adjacent to a street, 3984
highway, private road open to public travel, pedestrian 3985
facility, or shared-use path by authority of a public agency or 3986
official having jurisdiction, or, in the case of a private road 3987
open to public travel, by authority of the private owner or 3988
private official having jurisdiction. 3989

(RR) "Traffic control signal" means any highway traffic 3990
signal by which traffic is alternately directed to stop and 3991
permitted to proceed. 3992

(SS) "Railroad sign or signal" means any sign, signal, or 3993
device erected by authority of a public body or official or by a 3994
railroad and intended to give notice of the presence of railroad 3995
tracks or the approach of a railroad train. 3996

(TT) "Traffic" means pedestrians, ridden or herded 3997
animals, vehicles, streetcars, trackless trolleys, and other 3998
devices, either singly or together, while using for purposes of 3999
travel any highway or private road open to public travel. 4000

(UU) "Right-of-way" means either of the following, as the 4001
context requires: 4002

(1) The right of a vehicle, streetcar, trackless trolley, 4003
or pedestrian to proceed uninterruptedly in a lawful manner in 4004
the direction in which it or the individual is moving in 4005

preference to another vehicle, streetcar, trackless trolley, or 4006
pedestrian approaching from a different direction into its or 4007
the individual's path; 4008

(2) A general term denoting land, property, or the 4009
interest therein, usually in the configuration of a strip, 4010
acquired for or devoted to transportation purposes. When used in 4011
this context, right-of-way includes the roadway, shoulders or 4012
berm, ditch, and slopes extending to the right-of-way limits 4013
under the control of the state or local authority. 4014

(VV) "Rural mail delivery vehicle" means every vehicle 4015
used to deliver United States mail on a rural mail delivery 4016
route. 4017

(WW) "Funeral escort vehicle" means any motor vehicle, 4018
including a funeral hearse, while used to facilitate the 4019
movement of a funeral procession. 4020

(XX) "Alley" means a street or highway intended to provide 4021
access to the rear or side of lots or buildings in urban 4022
districts and not intended for the purpose of through vehicular 4023
traffic, and includes any street or highway that has been 4024
declared an "alley" by the legislative authority of the 4025
municipal corporation in which such street or highway is 4026
located. 4027

(YY) "Freeway" means a divided multi-lane highway for 4028
through traffic with all crossroads separated in grade and with 4029
full control of access. 4030

(ZZ) "Expressway" means a divided arterial highway for 4031
through traffic with full or partial control of access with an 4032
excess of fifty per cent of all crossroads separated in grade. 4033

(AAA) "Thruway" means a through highway whose entire 4034

roadway is reserved for through traffic and on which roadway 4035
parking is prohibited. 4036

(BBB) "Stop intersection" means any intersection at one or 4037
more entrances of which stop signs are erected. 4038

(CCC) "Arterial street" means any United States or state 4039
numbered route, controlled access highway, or other major radial 4040
or circumferential street or highway designated by local 4041
authorities within their respective jurisdictions as part of a 4042
major arterial system of streets or highways. 4043

(DDD) "Ridesharing arrangement" means the transportation 4044
of persons in a motor vehicle where such transportation is 4045
incidental to another purpose of a volunteer driver and includes 4046
ridesharing arrangements known as carpools, vanpools, and 4047
buspools. 4048

(EEE) "Motorized wheelchair" means any self-propelled 4049
vehicle designed for, and used by, a person with a disability 4050
and that is incapable of a speed in excess of eight miles per 4051
hour. 4052

(FFF) "Child day-care center" and "type A family day-care 4053
home" have the same meanings as in section 5104.01 of the 4054
Revised Code. 4055

(GGG) "Multi-wheel agricultural tractor" means a type of 4056
agricultural tractor that has two or more wheels or tires on 4057
each side of one axle at the rear of the tractor, is designed or 4058
used for drawing other vehicles or wheeled machinery, has no 4059
provision for carrying loads independently of the drawn vehicles 4060
or machinery, and is used principally for agricultural purposes. 4061

(HHH) "Operate" means to cause or have caused movement of 4062
a vehicle, streetcar, or trackless trolley. 4063

(III) "Predicate motor vehicle or traffic offense" means 4064
any of the following: 4065

(1) A violation of section 4511.03, 4511.051, 4511.12, 4066
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4067
4511.213, 4511.214, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4068
4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4069
4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4070
4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4071
4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4072
4511.49, 4511.50, 4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4073
4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4074
4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4075
4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4076
4511.771, 4511.78, ~~or~~ 4511.84, 4519.401, 4519.402, 4519.403, or 4077
4519.41 of the Revised Code; 4078

(2) A violation of division (A) (2) of section 4511.17, 4079
divisions (A) to (D) of section 4511.51, or division (A) of 4080
section 4511.74 of the Revised Code; 4081

(3) A violation of any provision of sections 4511.01 to 4082
4511.76 of the Revised Code for which no penalty otherwise is 4083
provided in the section that contains the provision violated; 4084

~~(4) A violation of section 4511.214 of the Revised Code;~~ 4085

~~(5)~~ A violation of a municipal ordinance that is 4086
substantially similar to any section or provision set forth or 4087
described in division (III) (1), (2), or (3), ~~or~~ (4) of this 4088
section. 4089

(JJJ) "Road service vehicle" means wreckers, utility 4090
repair vehicles, and state, county, and municipal service 4091
vehicles equipped with visual signals by means of flashing, 4092

rotating, or oscillating lights. 4093

(KKK) "Beacon" means a highway traffic signal with one or 4094
more signal sections that operate in a flashing mode. 4095

(LLL) "Hybrid beacon" means a type of beacon that is 4096
intentionally placed in a dark mode between periods of operation 4097
where no indications are displayed and, when in operation, 4098
displays both steady and flashing traffic control signal 4099
indications. 4100

(MMM) "Highway traffic signal" means a power-operated 4101
traffic control device by which traffic is warned or directed to 4102
take some specific action. "Highway traffic signal" does not 4103
include a power-operated sign, steadily illuminated pavement 4104
marker, warning light, or steady burning electric lamp. 4105

(NNN) "Median" means the area between two roadways of a 4106
divided highway, measured from edge of traveled way to edge of 4107
traveled way, but excluding turn lanes. The width of a median 4108
may be different between intersections, between interchanges, 4109
and at opposite approaches of the same intersection. 4110

(OOO) "Private road open to public travel" means a private 4111
toll road or road, including any adjacent sidewalks that 4112
generally run parallel to the road, within a shopping center, 4113
airport, sports arena, or other similar business or recreation 4114
facility that is privately owned but where the public is allowed 4115
to travel without access restrictions. "Private road open to 4116
public travel" includes a gated toll road but does not include a 4117
road within a private gated property where access is restricted 4118
at all times, a parking area, a driving aisle within a parking 4119
area, or a private grade crossing. 4120

(PPP) "Shared-use path" means a bikeway outside the 4121

traveled way and physically separated from motorized vehicular 4122
traffic by an open space or barrier and either within the 4123
highway right-of-way or within an independent alignment. A 4124
shared-use path also may be used by pedestrians, including 4125
skaters, joggers, users of manual and motorized wheelchairs, and 4126
other authorized motorized and non-motorized users. A shared-use 4127
path does not include any trail that is intended to be used 4128
primarily for mountain biking, hiking, equestrian use, or other 4129
similar uses, or any other single track or natural surface trail 4130
that has historically been reserved for nonmotorized use. 4131

(QQQ) "Highway maintenance vehicle" means a vehicle used 4132
in snow and ice removal or road surface maintenance, including a 4133
snow plow, traffic line striper, road sweeper, mowing machine, 4134
asphalt distributing vehicle, or other such vehicle designed for 4135
use in specific highway maintenance activities. 4136

(RRR) "Waste collection vehicle" means a vehicle used in 4137
the collection of garbage, refuse, trash, or recyclable 4138
materials. 4139

(SSS) "Electric bicycle" means a "class 1 electric 4140
bicycle," a "class 2 electric bicycle," or a "class 3 electric 4141
bicycle" as defined in this section. 4142

(TTT) "Class 1 electric bicycle" means a bicycle that is 4143
equipped with fully operable pedals and an electric motor of 4144
less than seven hundred fifty watts that provides assistance 4145
only when the rider is pedaling and ceases to provide assistance 4146
when the bicycle reaches the speed of twenty miles per hour. 4147

(UUU) "Class 2 electric bicycle" means a bicycle that is 4148
equipped with fully operable pedals and an electric motor of 4149
less than seven hundred fifty watts that may provide assistance 4150

regardless of whether the rider is pedaling and is not capable 4151
of providing assistance when the bicycle reaches the speed of 4152
twenty miles per hour. 4153

(VVV) "Class 3 electric bicycle" means a bicycle that is 4154
equipped with fully operable pedals and an electric motor of 4155
less than seven hundred fifty watts that provides assistance 4156
only when the rider is pedaling and ceases to provide assistance 4157
when the bicycle reaches the speed of twenty-eight miles per 4158
hour. 4159

(WWW) "Low-speed micromobility device" means a device 4160
weighing less than one hundred pounds that has handlebars, is 4161
propelled by an electric motor or human power, and has an 4162
attainable speed on a paved level surface of not more than 4163
twenty miles per hour when propelled by the electric motor. 4164

Sec. 4511.214. (A) (1) No person shall operate a low-speed 4165
vehicle upon any street or highway having an established speed 4166
limit greater than thirty-five miles per hour. 4167

(2) No person shall operate an under-speed ~~or utility~~ 4168
~~vehicle or a mini-truck~~ upon any street or highway ~~except as~~ 4169
~~follows:~~ 4170

~~(a) Upon a street or highway~~ having an established speed 4171
limit ~~not~~ greater than thirty-five miles per hour ~~and only~~. No 4172
person shall operate an under-speed vehicle upon such streets or 4173
highways ~~where~~ unless a local authority has granted permission 4174
for such operation in accordance with division (C) of this 4175
~~section 4511.215 of the Revised Code;~~ 4176

~~(b) A state park or political subdivision employee or~~ 4177
~~volunteer operating a utility vehicle exclusively within the~~ 4178
~~boundaries of state parks or political subdivision parks for the~~ 4179

~~operation or maintenance of state or political subdivision park-~~ 4180
~~facilities.~~ 4181

(3) No person shall operate a motor-driven cycle or motor 4182
scooter upon any street or highway having an established speed 4183
limit greater than forty-five miles per hour. 4184

~~(B) This section does not prohibit either of the~~ 4185
~~following:~~ 4186

~~(1) (B) (1) A person operating may operate a low-speed~~ 4187
~~vehicle, or an under-speed, or utility vehicle or a mini truck-~~ 4188
~~from proceeding~~ across an intersection of a street or highway 4189
having a speed limit greater than thirty-five miles per hour; 4190

(2) A person ~~operating may operate~~ a motor-driven cycle or 4191
motor scooter ~~from proceeding~~ across an intersection of a street 4192
or highway having a speed limit greater than forty-five miles 4193
per hour. 4194

(C) ~~Nothing in this section shall prevent a~~ By ordinance 4195
or resolution, a local authority may authorize the operation of 4196
under-speed vehicles on a public street or highway under its 4197
jurisdiction. A local authority that authorizes the operation of 4198
under-speed vehicles shall do all of the following: 4199

(1) Limit the operation of those vehicles to streets and 4200
highways having an established speed limit not greater than 4201
thirty-five miles per hour; 4202

(2) Require the vehicle owner who wishes to operate the 4203
under-speed vehicle on the public streets or highways to submit 4204
the vehicle to an inspection conducted by a local law 4205
enforcement agency that complies with inspection requirements 4206
established by the department of public safety under section 4207
4513.02 of the Revised Code; 4208

(3) Permit the operation on public streets or highways of 4209
only those vehicles that successfully pass the required vehicle 4210
inspection, are registered in accordance with Chapter 4503. of 4211
the Revised Code, and are titled in accordance with Chapter 4212
4505. of the Revised Code; 4213

(4) Notify the director of public safety, in a manner the 4214
director determines, of the authorization for the operation of 4215
under-speed vehicles. 4216

(D) A local authority ~~from adopting~~ may adopt more 4217
stringent local ordinances, resolutions, or regulations 4218
governing the operation of a low-speed vehicle ~~or a mini-truck,~~ 4219
~~or an under-speed vehicle,~~ a motor-driven cycle, or a motor 4220
scooter. 4221

~~(D)~~ (E) Except as otherwise provided in this division, 4222
whoever violates division (A) of this section is guilty of a 4223
minor misdemeanor. If within one year of the offense, the 4224
offender previously has been convicted of or pleaded guilty to 4225
one predicate motor vehicle or traffic offense, whoever violates 4226
this section is guilty of a misdemeanor of the fourth degree. If 4227
within one year of the offense, the offender previously has been 4228
convicted of two or more predicate motor vehicle or traffic 4229
offenses, whoever violates this section is guilty of a 4230
misdemeanor of the third degree. 4231

Sec. 4511.713. (A) No person shall operate a motor 4232
vehicle, snowmobile, or ~~all purpose~~ all-terrain vehicle upon any 4233
path set aside for the exclusive use of bicycles, when an 4234
appropriate sign giving notice of such use is posted on the 4235
path. 4236

Nothing in this section shall be construed to affect any 4237

rule of the director of natural resources governing the 4238
operation of motor vehicles, snowmobiles, ~~all-purpose-all-~~ 4239
terrain vehicles, and bicycles on lands under the director's 4240
jurisdiction. 4241

(B) Except as otherwise provided in this division, whoever 4242
violates this section is guilty of a minor misdemeanor. If, 4243
within one year of the offense, the offender previously has been 4244
convicted of or pleaded guilty to one predicate motor vehicle or 4245
traffic offense, whoever violates this section is guilty of a 4246
misdemeanor of the fourth degree. If, within one year of the 4247
offense, the offender previously has been convicted of two or 4248
more predicate motor vehicle or traffic offenses, whoever 4249
violates this section is guilty of a misdemeanor of the third 4250
degree. 4251

If the offender commits the offense while distracted and 4252
the distracting activity is a contributing factor to the 4253
commission of the offense, the offender is subject to the 4254
additional fine established under section 4511.991 of the 4255
Revised Code. 4256

Sec. 4513.02. (A) No person shall drive or move, or cause 4257
or knowingly permit to be driven or moved, on any highway any 4258
vehicle or combination of vehicles which is in such unsafe 4259
condition as to endanger any person. 4260

(B) When directed by any state highway patrol trooper, the 4261
operator of any motor vehicle shall stop and submit such motor 4262
vehicle to an inspection under division (B) (1) or (2) of this 4263
section, as appropriate, and such tests as are necessary. 4264

(1) Any motor vehicle not subject to inspection by the 4265
public utilities commission shall be inspected and tested to 4266

determine whether it is unsafe or not equipped as required by 4267
law, or that its equipment is not in proper adjustment or 4268
repair, or in violation of the equipment provisions of Chapter 4269
4513. of the Revised Code. 4270

Such inspection shall be made with respect to the brakes, 4271
lights, turn signals, steering, horns and warning devices, 4272
glass, mirrors, exhaust system, windshield wipers, tires, and 4273
such other items of equipment as designated by the 4274
superintendent of the state highway patrol by rule or regulation 4275
adopted pursuant to sections 119.01 to 119.13 of the Revised 4276
Code. 4277

Upon determining that a motor vehicle is in safe operating 4278
condition and its equipment in conformity with Chapter 4513. of 4279
the Revised Code, the inspecting officer shall issue to the 4280
operator an official inspection sticker, which shall be in such 4281
form as the superintendent prescribes except that its color 4282
shall vary from year to year. 4283

(2) Any motor vehicle subject to inspection by the public 4284
utilities commission shall be inspected and tested in accordance 4285
with rules adopted by the commission. Upon determining that the 4286
vehicle and operator are in compliance with rules adopted by the 4287
commission, the inspecting officer shall issue to the operator 4288
an appropriate official inspection sticker. 4289

(C) The superintendent of the state highway patrol, 4290
pursuant to sections 119.01 to 119.13 of the Revised Code, shall 4291
determine and promulgate standards for any inspection program 4292
conducted by a political subdivision of this state. These 4293
standards shall exempt licensed collector's vehicles and 4294
historical motor vehicles from inspection. Any motor vehicle 4295
bearing a valid certificate of inspection issued by another 4296

state or a political subdivision of this state whose inspection 4297
program conforms to the superintendent's standards, and any 4298
licensed collector's vehicle or historical motor vehicle which 4299
is not in a condition which endangers the safety of persons or 4300
property, shall be exempt from the tests provided in division 4301
(B) of this section. 4302

(D) Every person, firm, association, or corporation that, 4303
in the conduct of its business, owns and operates not less than 4304
fifteen motor vehicles in this state that are not subject to 4305
regulation by the public utilities commission and that, for the 4306
purpose of storing, repairing, maintaining, and servicing such 4307
motor vehicles, equips and operates one or more service 4308
departments within this state, may file with the superintendent 4309
of the state highway patrol applications for permits for such 4310
service departments as official inspection stations for its own 4311
motor vehicles. Upon receiving an application for each such 4312
service department, and after determining that it is properly 4313
equipped and has competent personnel to perform the inspections 4314
referred to in this section, the superintendent shall issue the 4315
necessary inspection stickers and permit to operate as an 4316
official inspection station. Any such person who has had one or 4317
more service departments so designated as official inspection 4318
stations may have motor vehicles that are owned and operated by 4319
the person and that are not subject to regulation by the public 4320
utilities commission, excepting private passenger cars owned by 4321
the person or the person's employees, inspected at such service 4322
department; and any motor vehicle bearing a valid certificate of 4323
inspection issued by such service department shall be exempt 4324
from the tests provided in division (B) of this section. 4325

No permit for an official inspection station shall be 4326
assigned or transferred or used at any location other than 4327

therein designated, and every such permit shall be posted in a 4328
conspicuous place at the location designated. 4329

If a person, firm, association, or corporation owns and 4330
operates fifteen or more motor vehicles in the conduct of 4331
business and is subject to regulation by the public utilities 4332
commission, that person, firm, association, or corporation is 4333
not eligible to apply to the superintendent for permits to 4334
enable any of its service departments to serve as official 4335
inspection stations for its own motor vehicles. 4336

(E) When any motor vehicle is found to be unsafe for 4337
operation, the inspecting officer may order it removed from the 4338
highway and not operated, except for purposes of removal and 4339
repair, until it has been repaired pursuant to a repair order as 4340
provided in division (F) of this section. 4341

(F) When any motor vehicle is found to be defective or in 4342
violation of Chapter 4513. of the Revised Code, the inspecting 4343
officer may issue a repair order, in such form and containing 4344
such information as the superintendent shall prescribe, to the 4345
owner or operator of the motor vehicle. The owner or operator 4346
shall thereupon obtain such repairs as are required and shall, 4347
as directed by the inspecting officer, return the repair order 4348
together with proof of compliance with its provisions. When any 4349
motor vehicle or operator subject to rules of the public 4350
utilities commission fails the inspection, the inspecting 4351
officer shall issue an appropriate order to obtain compliance 4352
with such rules. 4353

(G) Sections 4513.01 to 4513.37 of the Revised Code, with 4354
respect to equipment on vehicles, do not apply to implements of 4355
husbandry, road machinery, road rollers, or agricultural 4356
tractors except as made applicable to such articles of 4357

machinery. 4358

(H) A local law enforcement agency conducting an 4359
inspection on an under-speed vehicle in accordance with section 4360
4511.214 of the Revised Code or on a mini-truck, utility 4361
vehicle, all-terrain vehicle, off-highway motorcycle, or 4362
snowmobile in accordance with sections 4519.401 to 4519.41 of 4363
the Revised Code may charge the owner of the motorcycle or 4364
vehicle a one-time fee of ten dollars for the completion of the 4365
inspection. The agency that conducts the inspection shall retain 4366
the fee to offset the costs to the agency of conducting the 4367
inspection. 4368

(I) Whoever violates this section is guilty of a minor 4369
misdemeanor. 4370

Sec. 4513.221. (A) The board of county commissioners of 4371
any county, and the board of township trustees of any township 4372
subject to section 505.17 of the Revised Code, may regulate 4373
passenger car and motorcycle noise on streets and highways under 4374
their jurisdiction. Such regulations shall include maximum 4375
permissible noise limits measured in decibels, subject to the 4376
requirements of this section. 4377

(B) Regulations establishing maximum permissible noise 4378
limits measured in decibels shall prohibit the operation, within 4379
the speed limits specified herein, of a passenger car or 4380
motorcycle of a type subject to registration at any time or 4381
under any condition of load, acceleration, or deceleration in 4382
such manner as to exceed the following maximum noise limits, 4383
based on a distance of not less than fifty feet from the center 4384
of the line of travel: 4385

(1) For passenger cars: 4386

(a) When operated at a speed of thirty-five miles per hour 4387
or less, a maximum noise limit of seventy decibels; 4388

(b) When operated at a speed of more than thirty-five 4389
miles per hour, a maximum noise limit of seventy-nine decibels. 4390

(2) For motorcycles: 4391

(a) When operated at a speed of thirty-five miles per hour 4392
or less, a maximum noise limit of eighty-two decibels; 4393

(b) When operated at a speed of more than thirty-five 4394
miles per hour, a maximum noise limit of eighty-six decibels. 4395

(C) Maximum noise limits established pursuant to division 4396
(B) of this section shall be measured on the "A" scale of a 4397
standard sound level meter meeting the applicable requirements 4398
for a type 2 sound level meter as defined in American national 4399
standards institute standard S1.4 - 1983, or the most recent 4400
revision thereof. Measurement practices shall be in substantial 4401
conformity with standards and recommended practice established 4402
by the society of automotive engineers, including SAE standard J 4403
986 A NOV81, SAE standard J 366 MAR85, SAE standard J 331 A, and 4404
such other standards and practices as may be approved by the 4405
federal government. 4406

(D) No regulation enacted under division (B) of this 4407
section shall be effective until signs giving notice of the 4408
regulation are posted upon or at the entrance to the highway or 4409
part thereof affected, as may be most appropriate. 4410

(E) A board of county commissioners of any county may 4411
regulate noise from passenger cars, motorcycles, or other 4412
devices using internal combustion engines in the unincorporated 4413
area of the county, and a board of township trustees may 4414
regulate such noise in the unincorporated area of the township, 4415

in any of the following ways: 4416

(1) By prohibiting operating or causing to be operated any 4417
motor vehicle, agricultural tractor, motorcycle, ~~all-purpose~~ 4418
all-terrain vehicle, or snowmobile not equipped with a factory- 4419
installed muffler or equivalent muffler in good working order 4420
and in constant operation; 4421

(2) By prohibiting the removing or rendering inoperative, 4422
or causing to be removed or rendered inoperative, other than for 4423
purposes of maintenance, repair, or replacement, of any muffler; 4424

(3) By prohibiting the discharge into the open air of 4425
exhaust of any stationary or portable internal combustion engine 4426
except through a factory-installed muffler or equivalent muffler 4427
in good working order and in constant operation; 4428

(4) By prohibiting racing the motor of any vehicle 4429
described in division (E)(1) of this section in such a manner 4430
that the exhaust system emits a loud, cracking, or chattering 4431
noise unusual to its normal operation. 4432

(F) Whoever violates any maximum noise limit established 4433
as provided in division (B) of this section or any of the 4434
prohibitions authorized in division (E) of this section is 4435
guilty of a minor misdemeanor. Fines collected under this 4436
section by the county shall be paid into the county general 4437
fund, and such fines collected by the township shall be paid 4438
into the township general fund. 4439

No regulation adopted under this section shall apply to 4440
commercial racetrack operations. 4441

Sec. 4513.263. (A) As used in this section ~~and in section~~ 4442
~~4513.99 of the Revised Code:~~ 4443

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

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

(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

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

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

(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, but does not include a

civil action for damages for breach of contract or another 4473
agreement between persons. 4474

(B) No person shall do any of the following: 4475

(1) Operate an automobile on any street or highway unless 4476
that person is wearing all of the available elements of a 4477
properly adjusted occupant restraining device, or operate a 4478
school bus that has an occupant restraining device installed for 4479
use in its operator's seat unless that person is wearing all of 4480
the available elements of the device, as properly adjusted; 4481

(2) Operate an automobile on any street or highway unless 4482
each passenger in the automobile who is subject to the 4483
requirement set forth in division (B) (3) of this section is 4484
wearing all of the available elements of a properly adjusted 4485
occupant restraining device; 4486

(3) Occupy, as a passenger, a seating position on the 4487
front seat of an automobile being operated on any street or 4488
highway unless that person is wearing all of the available 4489
elements of a properly adjusted occupant restraining device; 4490

(4) Operate a taxicab on any street or highway unless all 4491
factory-equipped occupant restraining devices in the taxicab are 4492
maintained in usable form. 4493

(C) (1) Division (B) (3) of this section does not apply to a 4494
person who is required by section 4511.81 of the Revised Code to 4495
be secured in a child restraint device or booster seat. 4496

(2) Division (B) (1) of this section does not apply to a 4497
person who is an employee of the United States postal service or 4498
of a newspaper home delivery service, during any period in which 4499
the person is engaged in the operation of an automobile to 4500
deliver mail or newspapers to addressees. 4501

(3) Divisions (B)(1) and (3) of this section do not apply 4502
to a person who has an affidavit signed by a physician licensed 4503
to practice in this state under Chapter 4731. of the Revised 4504
Code or a chiropractor licensed to practice in this state under 4505
Chapter 4734. of the Revised Code that states the following: 4506

(a) That the person has a physical impairment that makes 4507
use of an occupant restraining device impossible or impractical; 4508

(b) Whether the physical impairment is temporary, 4509
permanent, or reasonably expected to be permanent; 4510

(c) If the physical impairment is temporary, how long the 4511
physical impairment is expected to make the use of an occupant 4512
restraining device impossible or impractical. 4513

(4) Divisions (B)(1) and (3) of this section do not apply 4514
to a person who has registered with the registrar of motor 4515
vehicles in accordance with division (C)(5) of this section. 4516

(5) A person who has received an affidavit under division 4517
(C)(3) of this section stating that the person has a permanent 4518
or reasonably expected to be permanent physical impairment that 4519
makes use of an occupant restraining device impossible or 4520
impracticable may register with the registrar attesting to that 4521
fact. Upon such registration, the registrar shall make that 4522
information available in the law enforcement automated data 4523
system. A person included in the database under division (C)(5) 4524
of this section is not required to have the affidavit obtained 4525
in accordance with division (C)(3) of this section in their 4526
possession while operating or occupying an automobile. 4527

(6) A physician or chiropractor who issues an affidavit 4528
for the purposes of division (C)(3) or (4) of this section is 4529
immune from civil liability arising from any injury or death 4530

sustained by the person who was issued the affidavit due to the 4531
failure of the person to wear an occupant restraining device 4532
unless the physician or chiropractor, in issuing the affidavit, 4533
acted in a manner that constituted willful, wanton, or reckless 4534
misconduct. 4535

(7) The registrar shall adopt rules in accordance with 4536
Chapter 119. of the Revised Code establishing a process for a 4537
person to be included in the database under division (C) (5) of 4538
this section. The information provided and included in the 4539
database under division (C) (5) of this section is not a public 4540
record subject to inspection or copying under section 149.43 of 4541
the Revised Code. 4542

(D) Notwithstanding any provision of law to the contrary, 4543
no law enforcement officer shall cause an operator of an 4544
automobile being operated on any street or highway to stop the 4545
automobile for the sole purpose of determining whether a 4546
violation of division (B) of this section has been or is being 4547
committed or for the sole purpose of issuing a ticket, citation, 4548
or summons for a violation of that nature or causing the arrest 4549
of or commencing a prosecution of a person for a violation of 4550
that nature, and no law enforcement officer shall view the 4551
interior or visually inspect any automobile being operated on 4552
any street or highway for the sole purpose of determining 4553
whether a violation of that nature has been or is being 4554
committed. 4555

~~(E)~~ (E) (1) All fines collected for violations of division 4556
(B) of this section, or for violations of any ordinance or 4557
resolution of a political subdivision that is substantively 4558
comparable to that division, shall be forwarded to the treasurer 4559
of state for deposit into the state treasury to the credit of 4560

the trauma and emergency medical services fund, which is hereby 4561
created. ~~In addition, the~~ 4562

(2) The trauma and emergency medical services fund shall 4563
also consist of all of the following which shall be deposited 4564
into the fund: 4565

(a) The portion of the driver's license reinstatement fee 4566
described in division (F) (2) (g) of section 4511.191 of the 4567
Revised Code, ~~plus all;~~ 4568

(b) All fines imposed under section 4519.23 of the Revised 4569
Code; 4570

(c) All fees collected under section 4765.11 of the 4571
Revised Code, ~~plus all;~~ 4572

(d) All fines imposed under section 4765.55 of the Revised 4573
Code, ~~plus the;~~ 4574

(e) All fees and other moneys specified in section 4766.05 4575
of the Revised Code, ~~and plus five;~~ 4576

(f) Five per cent of fines and moneys arising from bail 4577
forfeitures as directed by section 5503.04 of the Revised Code, ~~—~~ 4578
~~also shall be deposited into the trauma and emergency medical—~~ 4579
~~services fund. All—~~ 4580

(3) All money deposited into the trauma and emergency 4581
medical services fund shall be used by the department of public 4582
safety for the administration and operation of the division of 4583
emergency medical services and the state board of emergency 4584
medical, fire, and transportation services, and by the state 4585
board of emergency medical, fire, and transportation services to 4586
make grants, in accordance with section 4765.07 of the Revised 4587
Code and rules the board adopts under section 4765.11 of the 4588

Revised Code. ~~The~~ 4589

(4) The director of budget and management may transfer 4590
excess money from the trauma and emergency medical services fund 4591
to the public safety - highway purposes fund established in 4592
section 4501.06 of the Revised Code if the director of public 4593
safety determines that the amount of money in the trauma and 4594
emergency medical services fund exceeds the amount required to 4595
cover such costs incurred by the emergency medical services 4596
agency and the grants made by the state board of emergency 4597
medical, fire, and transportation services and requests the 4598
director of budget and management to make the transfer. 4599

(F) (1) Subject to division (F) (2) of this section, the 4600
failure of a person to wear all of the available elements of a 4601
properly adjusted occupant restraining device in violation of 4602
division (B) (1) or (3) of this section or the failure of a 4603
person to ensure that each minor who is a passenger of an 4604
automobile being operated by that person is wearing all of the 4605
available elements of a properly adjusted occupant restraining 4606
device in violation of division (B) (2) of this section shall not 4607
be considered or used by the trier of fact in a tort action as 4608
evidence of negligence or contributory negligence. But, the 4609
trier of fact may determine based on evidence admitted 4610
consistent with the Ohio Rules of Evidence that the failure 4611
contributed to the harm alleged in the tort action and may 4612
diminish a recovery of compensatory damages that represents 4613
noneconomic loss, as defined in section 2307.011 of the Revised 4614
Code, in a tort action that could have been recovered but for 4615
the plaintiff's failure to wear all of the available elements of 4616
a properly adjusted occupant restraining device. Evidence of 4617
that failure shall not be used as a basis for a criminal 4618
prosecution of the person other than a prosecution for a 4619

violation of this section; and shall not be admissible as 4620
evidence in a criminal action involving the person other than a 4621
prosecution for a violation of this section. 4622

(2) If, at the time of an accident involving a passenger 4623
car equipped with occupant restraining devices, any occupant of 4624
the passenger car who sustained injury or death was not wearing 4625
an available occupant restraining device, was not wearing all of 4626
the available elements of such a device, or was not wearing such 4627
a device as properly adjusted, then, consistent with the Rules 4628
of Evidence, the fact that the occupant was not wearing the 4629
available occupant restraining device, was not wearing all of 4630
the available elements of such a device, or was not wearing such 4631
a device as properly adjusted is admissible in evidence in 4632
relation to any claim for relief in a tort action to the extent 4633
that the claim for relief satisfies all of the following: 4634

(a) It seeks to recover damages for injury or death to the 4635
occupant. 4636

(b) The defendant in question is the manufacturer, 4637
designer, distributor, or seller of the passenger car. 4638

(c) The claim for relief against the defendant in question 4639
is that the injury or death sustained by the occupant was 4640
enhanced or aggravated by some design defect in the passenger 4641
car or that the passenger car was not crashworthy. 4642

(G) (1) Whoever violates division (B) (1) of this section 4643
shall be fined thirty dollars. 4644

(2) Whoever violates division (B) (3) of this section shall 4645
be fined twenty dollars. 4646

(3) Except as otherwise provided in this division, whoever 4647
violates division (B) (4) of this section is guilty of a minor 4648

misdemeanor. If the offender previously has been convicted of or 4649
pleaded guilty to a violation of division (B) (4) of this 4650
section, whoever violates division (B) (4) of this section is 4651
guilty of a misdemeanor of the third degree. 4652

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of 4653
the Revised Code: 4654

(A) "Persons" includes individuals, firms, partnerships, 4655
associations, joint stock companies, corporations, and any 4656
combinations of individuals. 4657

(B) "Motor vehicle" means motor vehicle as defined in 4658
section 4501.01 of the Revised Code and also includes "~~all-~~ 4659
~~purpose-all-terrain~~ vehicle" and "off-highway motorcycle" as 4660
those terms are defined in section 4519.01 of the Revised Code. 4661
"Motor vehicle" does not include a snowmobile as defined in 4662
section 4519.01 of the Revised Code or manufactured and mobile 4663
homes. 4664

(C) "New motor vehicle" means a motor vehicle, the legal 4665
title to which has never been transferred by a manufacturer, 4666
remanufacturer, distributor, or dealer to an ultimate purchaser. 4667

(D) "Ultimate purchaser" means, with respect to any new 4668
motor vehicle, the first person, other than a dealer purchasing 4669
in the capacity of a dealer, who in good faith purchases such 4670
new motor vehicle for purposes other than resale. 4671

(E) "Business" includes any activities engaged in by any 4672
person for the object of gain, benefit, or advantage either 4673
direct or indirect. 4674

(F) "Engaging in business" means commencing, conducting, 4675
or continuing in business, or liquidating a business when the 4676
liquidator thereof holds self out to be conducting such 4677

business; making a casual sale or otherwise making transfers in 4678
the ordinary course of business when the transfers are made in 4679
connection with the disposition of all or substantially all of 4680
the transferor's assets is not engaging in business. 4681

(G) "Retail sale" or "sale at retail" means the act or 4682
attempted act of selling, bartering, exchanging, or otherwise 4683
disposing of a motor vehicle to an ultimate purchaser for use as 4684
a consumer. 4685

(H) "Retail installment contract" includes any contract in 4686
the form of a note, chattel mortgage, conditional sales 4687
contract, lease, agreement, or other instrument payable in one 4688
or more installments over a period of time and arising out of 4689
the retail sale of a motor vehicle. 4690

(I) "Farm machinery" means all machines and tools used in 4691
the production, harvesting, and care of farm products. 4692

(J) "Dealer" or "motor vehicle dealer" means any new motor 4693
vehicle dealer, any motor vehicle leasing dealer, and any used 4694
motor vehicle dealer. 4695

(K) "New motor vehicle dealer" means any person engaged in 4696
the business of selling at retail, displaying, offering for 4697
sale, or dealing in new motor vehicles pursuant to a contract or 4698
agreement entered into with the manufacturer, remanufacturer, or 4699
distributor of the motor vehicles. 4700

(L) "Used motor vehicle dealer" means any person engaged 4701
in the business of selling, displaying, offering for sale, or 4702
dealing in used motor vehicles, at retail or wholesale, but does 4703
not mean any new motor vehicle dealer selling, displaying, 4704
offering for sale, or dealing in used motor vehicles 4705
incidentally to engaging in the business of selling, displaying, 4706

offering for sale, or dealing in new motor vehicles, any person 4707
engaged in the business of dismantling, salvaging, or rebuilding 4708
motor vehicles by means of using used parts, or any public 4709
officer performing official duties. 4710

(M) "Motor vehicle leasing dealer" means any person 4711
engaged in the business of regularly making available, offering 4712
to make available, or arranging for another person to use a 4713
motor vehicle pursuant to a bailment, lease, sublease, or other 4714
contractual arrangement under which a charge is made for its use 4715
at a periodic rate for a term of thirty days or more, and title 4716
to the motor vehicle is in and remains in the motor vehicle 4717
leasing dealer who originally leases it, irrespective of whether 4718
or not the motor vehicle is the subject of a later sublease, and 4719
not in the user, but does not mean a manufacturer or its 4720
affiliate leasing to its employees or to dealers. 4721

(N) "Salesperson" means any person employed by a dealer to 4722
sell, display, and offer for sale, or deal in motor vehicles for 4723
a commission, compensation, or other valuable consideration, but 4724
does not mean any public officer performing official duties. 4725

(O) "Casual sale" means any transfer of a motor vehicle by 4726
a person other than a new motor vehicle dealer, used motor 4727
vehicle dealer, motor vehicle salvage dealer, as defined in 4728
division (A) of section 4738.01 of the Revised Code, 4729
salesperson, motor vehicle auction owner, manufacturer, or 4730
distributor acting in the capacity of a dealer, salesperson, 4731
auction owner, manufacturer, or distributor, to a person who 4732
purchases the motor vehicle for use as a consumer. 4733

(P) "Motor vehicle auction owner" means any person who is 4734
engaged wholly or in part in the business of auctioning motor 4735
vehicles, but does not mean a construction equipment auctioneer 4736

or a construction equipment auction licensee. 4737

(Q) "Manufacturer" means a person who manufactures, 4738
assembles, or imports motor vehicles, including motor homes, but 4739
does not mean a person who only assembles or installs a body, 4740
special equipment unit, finishing trim, or accessories on a 4741
motor vehicle chassis supplied by a manufacturer or distributor. 4742

(R) "Tent-type fold-out camping trailer" means any vehicle 4743
intended to be used, when stationary, as a temporary shelter 4744
with living and sleeping facilities, and that is subject to the 4745
following properties and limitations: 4746

(1) A minimum of twenty-five per cent of the fold-out 4747
portion of the top and sidewalls combined must be constructed of 4748
canvas, vinyl, or other fabric, and form an integral part of the 4749
shelter. 4750

(2) When folded, the unit must not exceed: 4751

(a) Fifteen feet in length, exclusive of bumper and 4752
tongue; 4753

(b) Sixty inches in height from the point of contact with 4754
the ground; 4755

(c) Eight feet in width; 4756

(d) One ton gross weight at time of sale. 4757

(S) "Distributor" means any person authorized by a motor 4758
vehicle manufacturer to distribute new motor vehicles to 4759
licensed new motor vehicle dealers, but does not mean a person 4760
who only assembles or installs a body, special equipment unit, 4761
finishing trim, or accessories on a motor vehicle chassis 4762
supplied by a manufacturer or distributor. 4763

(T) "Flea market" means a market place, other than a 4764
dealer's location licensed under this chapter, where a space or 4765
location is provided for a fee or compensation to a seller to 4766
exhibit and offer for sale or trade, motor vehicles to the 4767
general public. 4768

(U) "Franchise" means any written agreement, contract, or 4769
understanding between any motor vehicle manufacturer or 4770
remanufacturer engaged in commerce and any motor vehicle dealer 4771
that purports to fix the legal rights and liabilities of the 4772
parties to such agreement, contract, or understanding. 4773

(V) "Franchisee" means a person who receives new motor 4774
vehicles from the franchisor under a franchise agreement and who 4775
offers, sells, and provides service for such new motor vehicles 4776
to the general public. 4777

(W) "Franchisor" means a new motor vehicle manufacturer, 4778
remanufacturer, or distributor who supplies new motor vehicles 4779
under a franchise agreement to a franchisee. 4780

(X) "Dealer organization" means a state or local trade 4781
association the membership of which is comprised predominantly 4782
of new motor vehicle dealers. 4783

(Y) "Factory representative" means a representative 4784
employed by a manufacturer, remanufacturer, or by a factory 4785
branch primarily for the purpose of promoting the sale of its 4786
motor vehicles, parts, or accessories to dealers or for 4787
supervising or contacting its dealers or prospective dealers. 4788

(Z) "Administrative or executive management" means those 4789
individuals who are not subject to federal wage and hour laws. 4790

(AA) "Good faith" means honesty in the conduct or 4791
transaction concerned and the observance of reasonable 4792

commercial standards of fair dealing in the trade as is defined 4793
in section 1301.201 of the Revised Code, including, but not 4794
limited to, the duty to act in a fair and equitable manner so as 4795
to guarantee freedom from coercion, intimidation, or threats of 4796
coercion or intimidation; provided however, that recommendation, 4797
endorsement, exposition, persuasion, urging, or argument shall 4798
not be considered to constitute a lack of good faith. 4799

(BB) "Coerce" means to compel or attempt to compel by 4800
failing to act in good faith or by threat of economic harm, 4801
breach of contract, or other adverse consequences. Coerce does 4802
not mean to argue, urge, recommend, or persuade. 4803

(CC) "Relevant market area" means any area within a radius 4804
of ten miles from the site of a potential new dealership, except 4805
that for manufactured home or recreational vehicle dealerships 4806
the radius shall be twenty-five miles. The ten-mile radius shall 4807
be measured from the dealer's established place of business that 4808
is used exclusively for the purpose of selling, displaying, 4809
offering for sale, or dealing in motor vehicles. 4810

(DD) "Wholesale" or "at wholesale" means the act or 4811
attempted act of selling, bartering, exchanging, or otherwise 4812
disposing of a motor vehicle to a transferee for the purpose of 4813
resale and not for ultimate consumption by that transferee. 4814

(EE) "Motor vehicle wholesaler" means any person licensed 4815
as a dealer under the laws of another state and engaged in the 4816
business of selling, displaying, or offering for sale used motor 4817
vehicles, at wholesale, but does not mean any motor vehicle 4818
dealer as defined in this section. 4819

(FF) (1) "Remanufacturer" means a person who assembles or 4820
installs passenger seating, walls, a roof elevation, or a body 4821

extension on a conversion van with the motor vehicle chassis 4822
supplied by a manufacturer or distributor, a person who modifies 4823
a truck chassis supplied by a manufacturer or distributor for 4824
use as a public safety or public service vehicle, a person who 4825
modifies a motor vehicle chassis supplied by a manufacturer or 4826
distributor for use as a limousine or hearse, or a person who 4827
modifies an incomplete motor vehicle cab and chassis supplied by 4828
a new motor vehicle dealer or distributor for use as a tow 4829
truck, but does not mean either of the following: 4830

(a) A person who assembles or installs passenger seating, 4831
a roof elevation, or a body extension on a recreational vehicle 4832
as defined in division (Q) and referred to in division (B) of 4833
section 4501.01 of the Revised Code; 4834

(b) A person who assembles or installs equipment or 4835
accessories for ~~persons~~ a person with disabilities a disability 4836
that limits or impairs the ability to walk, as defined in 4837
section 4503.44 of the Revised Code, upon a motor vehicle 4838
chassis supplied by a manufacturer or distributor. 4839

(2) For the purposes of division (FF)(1) of this section, 4840
"public safety vehicle or public service vehicle" means a fire 4841
truck, ambulance, school bus, street sweeper, garbage packing 4842
truck, or cement mixer, or a mobile self-contained facility 4843
vehicle. 4844

(3) For the purposes of division (FF)(1) of this section, 4845
"limousine" means a motor vehicle, designed only for the purpose 4846
of carrying nine or fewer passengers, that a person modifies by 4847
cutting the original chassis, lengthening the wheelbase by forty 4848
inches or more, and reinforcing the chassis in such a way that 4849
all modifications comply with all applicable federal motor 4850
vehicle safety standards. No person shall qualify as or be 4851

deemed to be a remanufacturer who produces limousines unless the 4852
person has a written agreement with the manufacturer of the 4853
chassis the person utilizes to produce the limousines to 4854
complete properly the remanufacture of the chassis into 4855
limousines. 4856

(4) For the purposes of division (FF)(1) of this section, 4857
"hearse" means a motor vehicle, designed only for the purpose of 4858
transporting a single casket, that is equipped with a 4859
compartment designed specifically to carry a single casket that 4860
a person modifies by cutting the original chassis, lengthening 4861
the wheelbase by ten inches or more, and reinforcing the chassis 4862
in such a way that all modifications comply with all applicable 4863
federal motor vehicle safety standards. No person shall qualify 4864
as or be deemed to be a remanufacturer who produces hearses 4865
unless the person has a written agreement with the manufacturer 4866
of the chassis the person utilizes to produce the hearses to 4867
complete properly the remanufacture of the chassis into hearses. 4868

(5) For the purposes of division (FF)(1) of this section, 4869
"mobile self-contained facility vehicle" means a mobile 4870
classroom vehicle, mobile laboratory vehicle, bookmobile, 4871
bloodmobile, testing laboratory, and mobile display vehicle, 4872
each of which is designed for purposes other than for passenger 4873
transportation and other than the transportation or displacement 4874
of cargo, freight, materials, or merchandise. A vehicle is 4875
remanufactured into a mobile self-contained facility vehicle in 4876
part by the addition of insulation to the body shell, and 4877
installation of all of the following: a generator, electrical 4878
wiring, plumbing, holding tanks, doors, windows, cabinets, 4879
shelving, and heating, ventilating, and air conditioning 4880
systems. 4881

(6) For the purposes of division (FF) (1) of this section, 4882
"tow truck" means both of the following: 4883

(a) An incomplete cab and chassis that are purchased by a 4884
remanufacturer from a new motor vehicle dealer or distributor of 4885
the cab and chassis and on which the remanufacturer then 4886
installs in a permanent manner a wrecker body it purchases from 4887
a manufacturer or distributor of wrecker bodies, installs an 4888
emergency flashing light pylon and emergency lights upon the 4889
mast of the wrecker body or rooftop, and installs such other 4890
related accessories and equipment, including push bumpers, front 4891
grille guards with pads and other custom-ordered items such as 4892
painting, special lettering, and safety striping so as to create 4893
a complete motor vehicle capable of lifting and towing another 4894
motor vehicle. 4895

(b) An incomplete cab and chassis that are purchased by a 4896
remanufacturer from a new motor vehicle dealer or distributor of 4897
the cab and chassis and on which the remanufacturer then 4898
installs in a permanent manner a car carrier body it purchases 4899
from a manufacturer or distributor of car carrier bodies, 4900
installs an emergency flashing light pylon and emergency lights 4901
upon the rooftop, and installs such other related accessories 4902
and equipment, including push bumpers, front grille guards with 4903
pads and other custom-ordered items such as painting, special 4904
lettering, and safety striping. 4905

As used in division (FF) (6) (b) of this section, "car 4906
carrier body" means a mechanical or hydraulic apparatus capable 4907
of lifting and holding a motor vehicle on a flat level surface 4908
so that one or more motor vehicles can be transported, once the 4909
car carrier is permanently installed upon an incomplete cab and 4910
chassis. 4911

(GG) "Operating as a new motor vehicle dealership" means 4912
engaging in activities such as displaying, offering for sale, 4913
and selling new motor vehicles at retail, operating a service 4914
facility to perform repairs and maintenance on motor vehicles, 4915
offering for sale and selling motor vehicle parts at retail, and 4916
conducting all other acts that are usual and customary to the 4917
operation of a new motor vehicle dealership. For the purposes of 4918
this chapter only, possession of either a valid new motor 4919
vehicle dealer franchise agreement or a new motor vehicle 4920
dealers license, or both of these items, is not evidence that a 4921
person is operating as a new motor vehicle dealership. 4922

(HH) "Outdoor power equipment" means garden and small 4923
utility tractors, walk-behind and riding mowers, chainsaws, and 4924
tillers. 4925

(II) "Remote service facility" means premises that are 4926
separate from a licensed new motor vehicle dealer's sales 4927
facility by not more than one mile and that are used by the 4928
dealer to perform repairs, warranty work, recall work, and 4929
maintenance on motor vehicles pursuant to a franchise agreement 4930
entered into with a manufacturer of motor vehicles. A remote 4931
service facility shall be deemed to be part of the franchise 4932
agreement and is subject to all the rights, duties, obligations, 4933
and requirements of Chapter 4517. of the Revised Code that 4934
relate to the performance of motor vehicle repairs, warranty 4935
work, recall work, and maintenance work by new motor vehicle 4936
dealers. 4937

(JJ) "Recreational vehicle" has the same meaning as in 4938
section 4501.01 of the Revised Code. 4939

(KK) "Construction equipment auctioneer" means a person 4940
who holds both a valid auction firm license issued under Chapter 4941

4707. of the Revised Code and a valid construction equipment 4942
auction license issued under this chapter. 4943

(LL) "Large construction or transportation equipment" 4944
means vehicles having a gross vehicle weight rating of more than 4945
ten thousand pounds and includes road rollers, traction engines, 4946
power shovels, power cranes, commercial cars and trucks, or farm 4947
trucks, and other similar vehicles obtained primarily from the 4948
construction, mining, transportation or farming industries. 4949

(MM) "Local market conditions" includes, but is not 4950
limited to: 4951

(1) Demographics in the franchisee's area; 4952

(2) Geographical and market characteristics in the 4953
franchisee's area; 4954

(3) Local economic circumstances; 4955

(4) The proximity of other motor vehicle dealers of the 4956
same line-make; 4957

(5) The proximity of motor vehicle manufacturing 4958
facilities; 4959

(6) The buying patterns of motor vehicle purchasers; 4960

(7) Customer drive time and drive distance. 4961

Sec. 4519.01. As used in this chapter: 4962

(A) "Snowmobile" means any self-propelled vehicle designed 4963
primarily for use on snow or ice, and steered by skis, runners, 4964
or caterpillar treads. 4965

(B) "~~All-purpose~~ All-terrain vehicle" means ~~any a~~ self- 4966
propelled vehicle with three or four wheels, designed primarily 4967
for ~~cross-country travel on land and water, or on more than one~~ 4968

~~type of terrain, and steered by wheels or caterpillar treads, or~~ 4969
~~any combination thereof, including vehicles that operate on a~~ 4970
~~cushion of air, vehicles commonly known as all-terrain vehicles,~~ 4971
~~all-season vehicles, mini-bikes, and trail bikes. "All-purpose~~ 4972
~~vehicle" does not include a utility vehicle as defined in~~ 4973
~~section 4501.01 of the Revised Code or any vehicle principally~~ 4974
~~used in playing golf, any motor vehicle or aircraft required to~~ 4975
~~be registered under Chapter 4503. or 4561. of the Revised Code,~~ 4976
~~and any vehicle excepted from definition as a motor vehicle by~~ 4977
~~division (B) of section 4501.01 of the Revised Code~~off-road use, 4978
that has a seat designed to be straddled by the operator and 4979
handlebars for steering control. 4980

(C) "Owner" means any person or firm, other than a 4981
lienholder or dealer, having title to a snowmobile, off-highway 4982
motorcycle, mini-truck, utility vehicle, or all-purpose-all- 4983
terrain vehicle, or other right to the possession thereof. 4984

(D) "Operator" means any person who operates or is in 4985
actual physical control of a snowmobile, off-highway motorcycle, 4986
mini-truck, utility vehicle, or all-purpose-all-terrain vehicle. 4987

(E) "Dealer" means any person or firm engaged in the 4988
business of manufacturing or selling snowmobiles, off-highway 4989
motorcycles, or all-purpose-all-terrain vehicles at wholesale or 4990
retail, or who rents, leases, or otherwise furnishes 4991
snowmobiles, off-highway motorcycles, or all-purpose-all-terrain 4992
vehicles for hire. 4993

(F) "Street or highway" has the same meaning as in section 4994
4511.01 of the Revised Code. 4995

(G) "Limited access highway" and "freeway" have the same 4996
meanings as in section 5511.02 of the Revised Code. 4997

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| (H) "Interstate highway" means any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C.A. 103, as amended. | 4998
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| (I) "Off-highway motorcycle" means every motorcycle, as defined in section 4511.01 of the Revised Code, that is designed to be operated primarily on lands other than a street or highway. | 5001
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| (J) "Electronic" and "electronic record" have the same meanings as in section 4501.01 of the Revised Code. | 5005
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| (K) "Electronic dealer" means a dealer whom the registrar of motor vehicles designates under section 4519.511 of the Revised Code. | 5007
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| (L) "Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards. | 5010
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| (M) "State highway" and "state route" have the same meanings as in section 4511.01 of the Revised Code. | 5020
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| (N) "Proof of financial responsibility" has the same meaning as in section 4509.01 of the Revised Code. | 5022
5023 |
| <u>(O) "Utility vehicle" has the same meaning as in section 4501.01 of the Revised Code.</u> | 5024
5025 |

(P) "Local authority" means either of the following: 5026

(1) The legislative authority of a municipal corporation 5027
acting on behalf of that municipal corporation; 5028

(2) The board of county commissioners acting on behalf of 5029
that county or on behalf of a township within that county. 5030

(Q) "Predicate motor vehicle or traffic offense" has the 5031
same meaning as in section 4511.01 of the Revised Code. 5032

Sec. 4519.02. ~~(A)(1)~~ (A) Except as provided in divisions 5033
(B), (C), ~~and (D)~~, and (E) of this section, no person shall 5034
operate any snowmobile, off-highway motorcycle, mini-truck, 5035
utility vehicle, ~~or all-purpose all-terrain~~ vehicle within this 5036
state unless the ~~snowmobile, off-highway motorcycle,~~ or ~~all-~~ 5037
~~purpose~~ vehicle is registered and numbered in accordance with 5038
sections 4519.03 and 4519.04 of the Revised Code. 5039

~~(2) Except as provided in section 4511.215 of the Revised~~ 5040
~~Code, no registration is required for a mini-truck that is~~ 5041
~~operated within this state. A mini-truck may be operated only in~~ 5042
~~accordance with that section and section 4519.401 of the Revised~~ 5043
~~Code.~~ 5044

~~(B)(1)~~ (B) No registration is required for a snowmobile ~~or~~ 5045
, off-highway motorcycle, mini-truck, utility vehicle, or all- 5046
terrain vehicle that is operated exclusively upon lands owned by 5047
the its owner ~~of the snowmobile or off-highway motoreycle,~~ or on 5048
lands to which the its owner ~~of the snowmobile or off-highway~~ 5049
~~motoreycle~~ has a contractual right. 5050

~~(2) No registration is required for an all-purpose vehicle~~ 5051
~~that is used primarily for agricultural purposes when the owner~~ 5052
~~qualifies for the current agricultural use valuation tax credit,~~ 5053
~~unless it is to be used on any public land, trail, or right-of-~~ 5054

way. 5055

~~(3) Any all-purpose vehicle exempted from registration under division (B)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate section 4519.41 of the Revised Code.~~ 5056
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~~(4) No registration is required for a snowmobile or all-purpose vehicle that is operated on a state highway as authorized by division (F) of section 4519.41 of the Revised Code.~~ 5061
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(C) No registration is required for a snowmobile, off-highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-all-terrain~~ vehicle owned and used in this state by a resident of another state ~~whenever~~ if that state has in effect a registration law similar to this chapter and the ~~snowmobile, off-highway motorcycle,~~ or ~~all-purpose~~ vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-all-terrain~~ vehicle owned and used in this state by a resident of a state not having a registration law similar to this chapter shall comply with section 4519.09 of the Revised Code. 5065
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(D) No registration is required for a snowmobile, off-highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-all-terrain~~ vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the ~~snowmobile, off-highway motorcycle,~~ or ~~all-purpose~~ vehicle shall display the name of the owner thereon. If such a vehicle or motorcycle is registered, the registration shall be free of charge in accordance with section 4519.08 of the Revised Code. 5076
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(E) No registration is required for a snowmobile that is operated on a state highway as authorized by division (A) (6) of section 4519.41 of the Revised Code, provided all other uses of the snowmobile would not require registration. 5084
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(F) The owner or operator of any ~~all-purpose-all-terrain~~ vehicle operated or used upon the waters in this state shall comply with Chapters 1547. and 1548. of the Revised Code relative to the operation of watercraft. 5088
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~~(F)~~ (G) Except as otherwise provided in this division, whoever violates division (A) of this section shall be fined not less than fifty dollars but not more than one hundred dollars. 5092
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Sec. 4519.03. (A) The owner of every snowmobile, off-highway motorcycle, mini-truck, utility vehicle, and ~~all-purpose-all-terrain~~ vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration with the registrar of motor vehicles or a deputy registrar, on blanks furnished by the registrar for that purpose and containing all of the following information: 5095
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(1) A brief description of the snowmobile, off-highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-all-terrain~~ vehicle, including the year, make, model, and the vehicle identification number; 5102
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(2) The name, residence, and business address of the owner; 5106
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(3) A statement that the snowmobile, off-highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-all-terrain~~ vehicle is equipped as required by section 4519.20 of the Revised Code and any rule adopted under that section. The statement shall include a check list of the required equipment 5108
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items in the form the registrar shall prescribe; 5113

(4) If the vehicle is an all-terrain vehicle, a mini-truck, or a utility vehicle, whether that vehicle is used primarily for agricultural purposes and whether the owner qualifies for the current agricultural use valuation tax credit. The owner shall present documentary evidence as required by the registrar to prove that the owner qualifies for the tax credit. 5114
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The application shall be signed by the owner of the snowmobile, off-highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose all-terrain~~ vehicle and shall be accompanied by a ~~fee~~ any applicable taxes and fees as provided in division (C) of section 4519.04 of the Revised Code. 5120
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If the application is not in proper form, or if the vehicle for which registration is sought does not appear to be equipped as required by section 4519.20 of the Revised Code or any rule adopted under that section, the registration shall be refused, and no registration sticker, license plate, or validation sticker shall be issued. 5125
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~~(B) No certificate of registration or renewal of a certificate of registration shall be issued for an off-highway motorcycle or all-purpose~~ When an applicant first registers a snowmobile, off-highway motorcycle, mini-truck, utility vehicle, or all-terrain vehicle that is required to be registered under section 4519.02 of the Revised Code in the applicant's name, and ~~no certificate of registration issued under this chapter for an off-highway motorcycle or all-purpose vehicle that is sold or otherwise transferred shall be transferred to the new owner of the off-highway motorcycle or all-purpose vehicle as permitted by division (B) of section 4519.05 of the Revised Code, unless a certificate of title has been issued under this chapter for the~~ 5131
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~~motorcycle or vehicle, and the owner or new owner, as the case~~ 5143
~~may be, presents the applicant shall provide proof of ownership~~ 5144
~~of the motorcycle or vehicle. Proof of ownership may include any~~ 5145
~~of the following:~~ 5146

(1) The applicant may present for inspection a physical 5147
~~certificate of title or memorandum certificate of title for~~ 5148
~~inspection at the time the owner or new owner first submits a~~ 5149
~~registration application, registration renewal application, or~~ 5150
~~registration transfer application for the motorcycle or vehicle~~ 5151
~~if a physical certificate of title or memorandum certificate has~~ 5152
~~been issued by a clerk of a court of common pleas showing title~~ 5153
~~to the motorcycle or vehicle to be registered in the name of the~~ 5154
~~applicant. If, under sections 4519.512 and 4519.58 of the~~ 5155
~~Revised Code, a clerk instead has issued~~ 5156

(2) The applicant may present for inspection an electronic 5157
~~certificate of title for the applicant's off highway motorcycle~~ 5158
~~or all purpose vehicle, that certificate may be presented for~~ 5159
~~inspection at the time of first registration in a manner~~ 5160
~~prescribed by rules adopted by the registrar.~~ 5161

(3) The applicant may present for inspection a bill of 5162
~~sale or other affidavit of ownership if there is no certificate~~ 5163
~~of title for the motorcycle or vehicle.~~ 5164

(4) The registrar or deputy registrar may electronically 5165
~~confirm the applicant's ownership of the motorcycle or vehicle.~~ 5166

~~(C) When the owner of an off highway motorcycle or all~~ 5167
~~purpose vehicle first registers it in the owner's name, and a~~ 5168
~~certificate of title has been issued for the motorcycle or~~ 5169
~~vehicle, the owner shall present for inspection a physical~~ 5170
~~certificate of title or memorandum certificate of title showing~~ 5171

~~title to the off-highway motorcycle or all-purpose vehicle in~~ 5172
~~the name of the owner if a physical certificate of title or~~ 5173
~~memorandum certificate has been issued by a clerk of a court of~~ 5174
~~common pleas. If, under sections 4519.512 and 4519.58 of the~~ 5175
~~Revised Code, a clerk instead has issued an electronic~~ 5176
~~certificate of title for the applicant's off-highway motorcycle~~ 5177
~~or all-purpose vehicle, that certificate may be presented for~~ 5178
~~inspection at the time of first registration in a manner~~ 5179
~~prescribed by rules adopted by the registrar. If, when the owner~~ 5180
~~of such an off-highway motorcycle or all-purpose vehicle first~~ 5181
~~makes application to register it in the owner's name, the~~ 5182
registrar or deputy registrar shall refuse an application for 5183
registration if either of the following apply: 5184

(1) The application is not in proper form or the 5185
~~certificate of title or memorandum certificate of title does not~~ 5186
~~accompany the registration or, in the case of an electronic~~ 5187
~~certificate of title is not presented in a manner prescribed by~~ 5188
~~the registrar, the registration shall be refused, and neither a~~ 5189
~~certificate of registration nor a registration sticker, license~~ 5190
~~plate, or validation sticker shall be issued.~~ 5191

(2) Proof of ownership is required but is not presented or 5192
confirmed in accordance with division (B) of this section. ~~When~~ 5193

(D) When a certificate of registration and registration 5194
sticker, license plate, or validation sticker are issued upon 5195
the first registration of a snowmobile, an off-highway 5196
motorcycle, a mini-truck, a utility vehicle, or all-purpose 5197
an all-terrain vehicle by or on behalf of the owner, and if the 5198
motorcycle or vehicle has a certificate of title, the official 5199
issuing them the registration shall indicate the issuance with a 5200
stamp on the certificate of title or memorandum certificate of 5201

title or, in the case of an electronic certificate of title, an 5202
electronic stamp or other notation as specified in rules adopted 5203
by the registrar. 5204

~~(D)~~ (E) (1) Each deputy registrar shall be allowed a fee 5205
equal to the amount established under section 4503.038 of the 5206
Revised Code for each application or renewal application 5207
received by the deputy registrar, which shall be for the purpose 5208
of compensating the deputy registrar for services, and office 5209
and rental expense, as may be necessary for the proper discharge 5210
of the deputy registrar's duties in the receiving of 5211
applications and the issuing of certificates of registration. 5212

(2) Each deputy registrar, upon receipt of any application 5213
for registration, together with the registration fee, shall 5214
transmit the fee, together with the original and duplicate copy 5215
of the application, to the registrar in the manner and at the 5216
times the registrar, subject to the approval of the director of 5217
public safety and the treasurer of state, shall prescribe by 5218
rule. 5219

Sec. 4519.031. The registrar of motor vehicles shall 5220
transmit to the tax commissioner the names, addresses, and any 5221
other information requested by the commissioner, of all persons 5222
who register a snowmobile, off-highway motorcycle, mini-truck, 5223
utility vehicle, or ~~all-purpose all-terrain~~ vehicle under 5224
section 4519.03 of the Revised Code. Such information shall be 5225
transmitted in a form agreed to by the registrar and the 5226
commissioner. 5227

Sec. 4519.04. (A) Upon the filing of an application for 5228
registration of a snowmobile, off-highway motorcycle, mini- 5229
truck, utility vehicle, or ~~all-purpose all-terrain~~ vehicle and 5230
the payment of the tax therefor, the registrar of motor vehicles 5231

or a deputy registrar shall assign to the ~~snowmobile, off-~~ 5232
~~highway motorcycle,~~ or ~~all-purpose~~ vehicle a distinctive number 5233
and issue and deliver to the owner in such manner as the 5234
registrar may select, a certificate of registration, in such 5235
form as the registrar shall prescribe. Any number so assigned to 5236
a snowmobile, off-highway motorcycle, mini-truck, utility 5237
vehicle, or ~~all-purpose all-terrain~~ vehicle shall be a permanent 5238
number, and shall not be issued to any other ~~snowmobile, off-~~ 5239
~~highway motorcycle,~~ or ~~all-purpose~~ vehicle. 5240

(B) (1) In addition to the certificate of registration, the 5241
registrar or deputy registrar also shall issue to the owner of a 5242
snowmobile or off-highway motorcycle two decal registration 5243
stickers. The registrar shall prescribe the color and size of 5244
the stickers and the combination of numerals and letters 5245
displayed on them. The placement of the decal stickers shall be 5246
one on either side of the forward cowling or fuel tank. 5247

(2) ~~The~~ In addition to the certificate of registration, 5248
the registrar or deputy registrar also shall issue to the owner 5249
of a mini-truck, a utility vehicle, or an all-purpose all- 5250
terrain vehicle, ~~in addition to the certificate of registration,~~ 5251
one license plate and a validation sticker, or a validation 5252
sticker alone when applicable upon a registration renewal. The 5253
license plate and validation sticker shall be displayed on the 5254
~~all-purpose~~ mini-truck, utility vehicle, or all-terrain vehicle 5255
so that they are distinctly visible, in accordance with such 5256
rules as the registrar adopts. The validation sticker shall 5257
indicate the expiration date of the registration period of the 5258
~~all-purpose~~ vehicle. During each succeeding registration period 5259
following the issuance of the license plate and validation 5260
sticker, upon the filing of an application for registration and 5261
payment of the ~~fee~~ applicable taxes and fees specified in 5262

division (C) of this section, a validation sticker alone shall 5263
be issued. 5264

~~(C)~~ (1) Unless previously canceled, each certificate of 5265
registration issued for a snowmobile, off-highway motorcycle, or 5266
all-purpose all-terrain vehicle expires upon the thirty-first 5267
day of December in the third year after the date it is issued. 5268
Unless previously canceled and except as provided in section 5269
4519.041 of the Revised Code, each certificate of registration 5270
issued for a mini-truck or a utility vehicle expires annually 5271
upon the thirty-first day of December after the date it is 5272
issued. Application for renewal of a certificate may be made not 5273
earlier than ninety days preceding the expiration date, and . 5274

(2) Except as provided in section 4519.08 of the Revised 5275
Code, the application for and renewal of a certificate of 5276
registration for a snowmobile, off-highway motorcycle, or all- 5277
terrain vehicle shall be accompanied by a fee of thirty-one 5278
dollars and twenty-five cents. 5279

~~Notwithstanding section 4519.11 of the Revised Code, of Of 5280~~
each thirty-one dollar and twenty-five-cent fee collected ~~for~~ 5281
~~the registration of an all-purpose vehicle,~~ the registrar shall 5282
retain not more than five dollars to pay for the licensing and 5283
registration costs the bureau of motor vehicles incurs in 5284
registering the ~~all-purpose~~ vehicle. The remainder of the fee 5285
shall be deposited into the state treasury to the credit of the 5286
state recreational vehicle fund created by section 4519.11 of 5287
the Revised Code. 5288

(3) Except as provided in section 4519.041 or 4519.08 of 5289
the Revised Code, the application for and renewal of a 5290
certificate of registration for a mini-truck or utility vehicle 5291
shall be accompanied by the following taxes and fees: 5292

(a) A tax of ten dollars to be deposited into the state treasury to the credit of the auto registration distribution fund established in section 4501.03 of the Revised Code; 5293
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(b) An additional fee of eleven dollars for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio to be deposited into the public safety - highway purposes fund established in section 4501.06 of the Revised Code. 5296
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(4) (a) If the owner of a utility vehicle intends to use the utility vehicle on trails and other similar areas of operation managed by the department of natural resources and open to all-terrain vehicles, off-highway motorcycles, snowmobiles, and utility vehicles, the owner shall pay a fee of eight dollars and seventy-five cents. The fee shall be deposited into the state treasury to the credit of the state recreational vehicle fund established in section 4519.11 of the Revised Code. The registrar or deputy registrar shall issue a decal sticker to the owner that verifies payment of the fee and authorization to use the state trails and similar areas that allow the use of utility vehicles. 5302
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(b) The owner shall place the decal sticker on the utility vehicle. The decal sticker expires upon the thirty-first day of December after the date it is issued. Application for renewal of a decal sticker may be made not earlier than ninety days preceding the expiration date. 5314
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Sec. 4519.041. (A) The registrar of motor vehicles shall authorize any person who owns a mini-truck or a utility vehicle to file an application for registration for not more than five succeeding registration years. At the time of application, the 5319
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applicant shall pay all of the following taxes and fees: 5323

(1) The annual taxes for each registration year, 5324
calculated in accordance with division (C)(3)(a) of section 5325
4519.04 of the Revised Code, and multiplied by the number of 5326
years for which the applicant is registering; 5327

(2) The annual bureau of motor vehicles fee, calculated in 5328
accordance with division (C)(3)(b) of section 4519.04 of the 5329
Revised Code, and multiplied by the number of years for which 5330
the applicant is registering; 5331

(3) The deputy registrar service fee or the bureau of 5332
motor vehicles service fee equal to the amount established under 5333
section 4503.038 of the Revised Code. 5334

(B) The registrar shall authorize any person who owns a 5335
utility vehicle to apply to use the vehicle on trails and other 5336
similar areas of operation managed by the department of natural 5337
resources for not more than five succeeding years. At the time 5338
of application, the applicant shall pay the state recreational 5339
vehicle fund fee, calculated in accordance with division (C)(4) 5340
of section 4519.04 of the Revised Code, and multiplied by the 5341
number of years for which the applicant is registering. 5342

(C) Each certificate of registration or decal sticker 5343
issued for a mini-truck or utility vehicle under this section 5344
expires upon the thirty-first day of December in the second, 5345
third, fourth, or fifth year after the date that it is issued, 5346
as applicable. Application for renewal of a certificate or decal 5347
sticker may be made not earlier than ninety days preceding the 5348
expiration date. 5349

(D) No person applying for a multi-year registration under 5350
division (A) or a multi-year decal sticker under division (B) of 5351

this section is entitled to a refund of any taxes or fees paid. 5352

Sec. 4519.05. (A) Whenever a registered snowmobile, off- 5353
highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-~~ 5354
all-terrain vehicle is destroyed or similarly disposed of, the 5355
owner shall surrender the certificate of registration to the 5356
registrar of motor vehicles or a deputy registrar within fifteen 5357
days following the destruction or disposal. The registrar 5358
thereupon shall cancel the certificate and enter that fact in 5359
the registrar's records. 5360

In the case of ~~an~~ a snowmobile, off-highway motorcycle, 5361
mini-truck, utility vehicle, or ~~all-purpose-~~ all-terrain vehicle 5362
for which a certificate of title has been issued, the owner also 5363
shall surrender the certificate of title to the clerk of the 5364
court of common pleas who issued it and the clerk, with the 5365
consent of any lienholders noted thereon, shall enter a 5366
cancellation upon the clerk's records and shall notify the 5367
registrar of the cancellation. Upon the cancellation of a 5368
certificate of title in the manner prescribed by this division, 5369
the clerk and the registrar may cancel and destroy all 5370
certificates of title and memorandum certificates of title in 5371
that chain of title. 5372

(B) Subject to division (B) of section 4519.03 of the 5373
Revised Code, whenever the ownership of a registered snowmobile, 5374
off-highway motorcycle, mini-truck, utility vehicle, or ~~all-~~ 5375
~~purpose-~~ all-terrain vehicle is transferred by sale or otherwise, 5376
the new owner, within fifteen days following the transfer, shall 5377
make application to the registrar or a deputy registrar for the 5378
transfer of the certificate of registration. Upon receipt of the 5379
application and a fee of one dollar, the registrar shall 5380
transfer the certificate to the new owner and shall enter the 5381

new owner's name and address in the registrar's records. 5382

(C) Whenever the owner of a registered snowmobile, off- 5383
highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-~~ 5384
all-terrain vehicle changes address, the owner shall surrender 5385
the certificate of registration to the registrar or a deputy 5386
registrar within fifteen days following the address change. Upon 5387
receipt of the certificate, the registrar shall enter the new 5388
address thereon and shall make the appropriate change in the 5389
registrar's records. In a case where the owner's change of 5390
address involves a move outside of the state, the registrar 5391
shall cancel the certificate of registration for that 5392
~~snowmobile, off-highway motorcycle, or all-purpose~~ vehicle. 5393

(D) Whenever a certificate of registration for a 5394
snowmobile, off-highway motorcycle, mini-truck, utility vehicle, 5395
or ~~all-purpose-all-terrain~~ vehicle is lost, mutilated, or 5396
destroyed, the owner may obtain a duplicate certificate, which 5397
shall be identified as such, upon application and the payment of 5398
a fee of one dollar. 5399

(E) The registrar and each deputy registrar may collect 5400
and retain an additional fee equal to the amount established 5401
under section 4503.038 of the Revised Code for each application 5402
for the transfer of a certificate of registration or duplicate 5403
certificate of registration received by the registrar or deputy 5404
registrar. 5405

(F) Whoever violates division (A), (B), or (C) of this 5406
section shall be fined not more than twenty-five dollars for a 5407
first offense; for each subsequent offense, the offender shall 5408
be fined not less than twenty-five nor more than fifty dollars. 5409

Sec. 4519.08. (A) Any snowmobile, off-highway motorcycle, 5410

mini-truck, utility vehicle, or all-purpose-all-terrain vehicle 5411
owned or leased by the state, by any of its political 5412
subdivisions, or by any volunteer organization that uses such 5413
vehicles exclusively for emergency purposes shall be registered 5414
free of charge. ~~The~~ 5415

(B) Any all-terrain vehicle, mini-truck, or utility 5416
vehicle that is used primarily for agricultural purposes, when 5417
the owner qualifies for the current agricultural use valuation 5418
tax credit, shall be registered free of charge. 5419

(C) The registration number and registration sticker 5420
assigned to each such snowmobile or off-highway motorcycle, and 5421
the license plate and validation sticker assigned to each such 5422
an all-purpose-mini-truck, utility vehicle, or all-terrain 5423
vehicle, registered free of charge in accordance with this 5424
section, shall be displayed as required by section 4519.04 of 5425
the Revised Code. 5426

Sec. 4519.09. (A) Every owner or operator of a snowmobile, 5427
off-highway motorcycle, mini-truck, utility vehicle, or all- 5428
purpose-all-terrain vehicle who is a resident of a state not 5429
having a registration law similar to this chapter, and who 5430
expects to use the snowmobile, off-highway motorcycle, mini- 5431
truck, utility vehicle, or all-purpose-all-terrain vehicle in 5432
Ohio, shall apply to the registrar of motor vehicles or a deputy 5433
registrar for a temporary operating permit. ~~The~~ 5434

(B) The temporary operating permit shall be: 5435

(1) Be issued for a period not to exceed one year from the 5436
date of issuance, ~~shall be;~~ 5437

(2) Be in such form as the registrar determines, shall 5438
~~include;~~ 5439

(3) Include the name and address of the owner and operator 5440
of the ~~snowmobile, off-highway motorcycle, or all-purpose~~ 5441
vehicle, and any other information as the registrar considers 5442
necessary, ~~and shall be~~; 5443

(4) Be issued upon payment of a fee of eleven dollars and 5444
twenty-five cents. ~~Every~~ 5445

(C) Every owner or operator receiving a temporary 5446
operating permit shall display it upon the reasonable request of 5447
any law enforcement officer or other person as authorized by 5448
sections 4519.42 and 4519.43 of the Revised Code. 5449

Sec. 4519.10. (A) The purchaser of ~~an~~ a snowmobile, off- 5450
highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose~~ 5451
all-terrain vehicle, upon application and proof of purchase, may 5452
obtain a temporary motor vehicle license registration for it. 5453
The application shall be signed by the purchaser of the ~~off-~~ 5454
~~highway motorcycle or all-purpose~~ vehicle. The temporary motor 5455
vehicle license registration shall be issued only for the 5456
applicant's use of the ~~off-highway motorcycle or all-purpose~~ 5457
vehicle to enable the applicant to operate it legally while 5458
proper title and a registration sticker or license plate and 5459
validation sticker are being obtained and shall be displayed on 5460
no other ~~off-highway motorcycle or all-purpose~~ vehicle. A 5461
temporary motor vehicle license registration issued under this 5462
section shall be in a form prescribed by the registrar of motor 5463
vehicles, shall differ in some distinctive manner from a 5464
registration issued under section 4503.182 of the Revised Code, 5465
shall be valid for a period of forty-five days from the date of 5466
issuance, and shall not be transferable or renewable. The 5467
temporary motor vehicle license registration either shall 5468
consist of or be coated with such material as will enable it to 5469

remain legible and relatively intact despite the environmental 5470
conditions to which it is likely to be exposed during the forty- 5471
five-day period for which it is valid. The purchaser of ~~an a~~ 5472
snowmobile, off-highway motorcycle, mini-truck, utility vehicle, 5473
or ~~all purpose all-terrain~~ vehicle shall attach the temporary 5474
motor vehicle license registration to it, in a manner prescribed 5475
by rules the registrar shall adopt, so that the numerals or 5476
letters are clearly visible. 5477

The fee for a temporary motor vehicle license registration 5478
issued under this section is two dollars. If the temporary motor 5479
vehicle license registration is issued by a deputy registrar, 5480
the deputy registrar shall charge an additional fee equal to the 5481
amount established under section 4503.038 of the Revised Code, 5482
which the deputy registrar shall retain. The deputy registrar 5483
shall transmit each two-dollar fee received by the deputy 5484
registrar under this section to the registrar, who shall pay the 5485
two dollars to the treasurer of state for deposit into the 5486
public safety - highway purposes fund established by section 5487
4501.06 of the Revised Code. 5488

(B) The registrar may issue temporary motor vehicle 5489
license registrations to a dealer to be issued to purchasers for 5490
use on vehicles sold by the dealer, in accordance with rules 5491
prescribed by the registrar. The dealer shall notify the 5492
registrar within forty-eight hours of proof of issuance on a 5493
form prescribed by the registrar. 5494

The fee for each such temporary motor vehicle license 5495
registration issued by the registrar to a dealer shall be two 5496
dollars plus a fee equal to the amount established under section 5497
4503.038 of the Revised Code. 5498

Sec. 4519.11. ~~(A) Five dollars of each fee collected under~~ 5499

~~section 4519.04 of the Revised Code and one dollar and twenty-~~ 5500
~~five cents of each fee collected under section 4519.09 of the~~ 5501
~~Revised Code shall be paid into the public safety - highway~~ 5502
~~purposes fund created by section 4501.06 of the Revised Code.~~ 5503
All other fees, and all taxes, and fines levied, charged, or 5504
referred to in this chapter, unless otherwise designated by law, 5505
shall be deposited into the state treasury to the credit of the 5506
state recreational vehicle fund, which is hereby created. ~~The~~ 5507

(B) The state recreational vehicle fund shall be used for 5508
the purpose of enforcing following purposes: 5509

(1) Enforcing and administering the law relative to the 5510
registration and operation of snowmobiles, off-highway 5511
motorcycles, utility vehicles, and ~~all-purpose all-terrain~~ 5512
vehicles within the state, ~~for the purpose of expanding;~~ 5513

(2) Expanding the activities of the department of natural 5514
resources to provide trails and other areas for the operation of 5515
such motorcycles and vehicles on state-controlled land and 5516
waters, ~~for the;~~ 5517

(3) The purchase of additional land to be used for such- 5518
the purposes, and for the stated in division (B)(2) of this 5519
section; 5520

(4) The development and implementation by the department 5521
of programs relating to the safe use and enjoyment of 5522
snowmobiles, off-highway motorcycles, utility vehicles, and ~~all-~~ 5523
~~purpose all-terrain~~ vehicles. 5524

(C) All investment earnings of the state recreational 5525
vehicle fund shall be credited to the fund. 5526

(D) Notwithstanding section 1501.01 of the Revised Code, 5527
nothing in this section authorizes the appropriation of property 5528

to provide trails and other areas for the operation of 5529
snowmobiles, off-highway motorcycles, utility vehicles, and ~~all-~~ 5530
~~purpose-all-terrain~~ vehicles. 5531

Sec. 4519.20. (A) The director of public safety, pursuant 5532
to Chapter 119. of the Revised Code, shall adopt rules for the 5533
equipment of snowmobiles, off-highway motorcycles, mini-trucks, 5534
utility vehicles, and ~~all-purpose-all-terrain~~ vehicles. The 5535
rules may be revised from time to time as the director considers 5536
necessary, and shall include, but not necessarily be limited to, 5537
requirements for the following items of equipment: 5538

(1) At least one headlight for a snowmobile or an off- 5539
highway motorcycle and two headlights for a mini-truck, a 5540
utility vehicle, or an all-terrain vehicle, having a minimum 5541
candlepower of sufficient intensity to reveal persons and 5542
objects at a distance of at least one hundred feet ahead under 5543
normal atmospheric conditions during hours of darkness; 5544

(2) At least one red tail light for a snowmobile or an 5545
off-highway motorcycle and two red tail lights for a mini-truck, 5546
a utility vehicle, or an all-terrain vehicle, having a minimum 5547
candlepower of sufficient intensity to be plainly visible from a 5548
distance of five hundred feet to the rear under normal 5549
atmospheric conditions during hours of darkness; 5550

(3) Adequate brakes. Every snowmobile, while traveling on 5551
packed snow, shall be capable of carrying a driver who weighs 5552
one hundred seventy-five pounds or more, and, while carrying 5553
such driver, be capable of stopping in not more than forty feet 5554
from an initial steady speed of twenty miles per hour, or 5555
locking its traction belt. 5556

(4) A muffler system capable of precluding the emission of 5557

excessive smoke or exhaust fumes, and of limiting the engine 5558
noise of vehicles. On snowmobiles manufactured after January 1, 5559
1973, such requirement shall include sound dampening equipment 5560
such that noise does not exceed eighty-two decibels on the "A" 5561
scale at fifty feet as measured according to SAE J192 (September 5562
1970). 5563

(5) Additionally, for utility vehicles, all of the 5564
following: 5565

(a) A roll cage; 5566

(b) Two red reflectors that are of such size and 5567
characteristics and so maintained as to be visible at night from 5568
all distances within three hundred feet to fifty feet from the 5569
vehicle; 5570

(c) A mirror located so as to reflect to the operator a 5571
view of the highway to the rear of the vehicle; 5572

(d) Either a windshield, or if there is no windshield, the 5573
operator of the vehicle shall wear safety glasses or another 5574
protective eye device; 5575

(e) Occupant restraining devices for the operator and all 5576
passengers in the vehicle. 5577

(B) No person shall operate any snowmobile, off-highway 5578
motorcycle, mini-truck, utility vehicle, or all-purpose-all- 5579
terrain vehicle in violation of division ~~(A) (1), (2), (3), or~~ 5580
~~(4)(A)~~ of this section, except that are applicable to the 5581
particular vehicle. The equipment specified in divisions (A) (1) 5582
and (2) of this section shall not be required on snowmobiles, 5583
off-highway motorcycles, or ~~all-purpose-all-terrain~~ vehicles 5584
operated only during the daylight hours. 5585

(C) Except as otherwise provided in this division, whoever
violates division (B) of this section shall be fined not more
than fifty dollars. If the offender within the preceding year
previously has committed a violation of division (B) of this
section, whoever violates division (B) of this section shall be
fined not less than fifteen nor more than one hundred dollars,
imprisoned not more than three days, or both.

Sec. 4519.21. The director of public safety may authorize
sample tests of new snowmobiles, off-highway motorcycles, mini-
trucks, utility vehicles, and all-purpose all-terrain vehicles
to determine their degree of conformity to rules adopted under
section 4519.20 of the Revised Code. In prescribing tests for
muffler equipment, the director may require sound pressure
levels in decibels to be measured on the "A" scale of a sound
level meter having characteristics defined by the American
standards association standard S1.4-1961 "General Purpose Sound
Meter," and also may require the use of applicable measurement
practices outlined in the procedures for sound level measurement
of snowmobiles endorsed by the international snowmobile industry
association, January 1969, or such other sources of standards
for the measurement of sound levels as the director may consider
advisable.

Upon finding that any make or model of vehicle authorized
to be tested under this section does not meet an applicable
standard adopted by the director, the person conducting the test
shall report that fact to the director, who immediately shall
notify the manufacturer of the vehicle and the registrar of
motor vehicles. Upon receipt of a notification, the registrar
shall refuse to issue a certificate of registration to an owner
or dealer with respect to any vehicle of the same make or model
as that named in the notification until the vehicle has been

modified in such manner as the director shall prescribe, and 5617
meets the applicable standard. 5618

Sec. 4519.22. (A) No person shall have for sale, sell, 5619
offer for sale, lease, rent, or otherwise furnish for hire in 5620
this state any new snowmobile, off-highway motorcycle, mini- 5621
truck, utility vehicle, or all-purpose-all-terrain vehicle that 5622
fails to comply with any rule adopted by the director of public 5623
safety under section 4519.20 of the Revised Code, after the 5624
effective date of the rule. 5625

(B) Except as otherwise provided in this division, whoever 5626
violates this section shall be fined not more than fifty 5627
dollars. If the offender within the preceding year previously 5628
has committed a violation of this section, whoever violates this 5629
section shall be fined not less than fifteen nor more than one 5630
hundred dollars, imprisoned not more than three days, or both. 5631

Sec. 4519.23. (A) The operator of a utility vehicle shall 5632
ensure that the total number of occupants of the utility vehicle 5633
does not exceed the total number of occupant restraining devices 5634
originally installed in the utility vehicle by its manufacturer. 5635

(B) The operator and each occupant of a utility vehicle 5636
shall wear all of the available elements of a properly adjusted 5637
occupant restraining device while the utility vehicle is being 5638
operated on any street or highway. 5639

(C) (1) Whoever violates division (A) or (B) of this 5640
section shall be fined thirty dollars. 5641

(2) All fines collected for violations of division (A) or 5642
(B) of this section, or for violations of any ordinance or 5643
resolution of a political subdivision that is substantively 5644
comparable to those divisions, shall be transmitted to the 5645

treasurer of state for deposit into the state treasury to the 5646
credit of the trauma and emergency medical services fund created 5647
by section 4513.263 of the Revised Code. 5648

Sec. 4519.40. (A) Notwithstanding sections 4519.401, 5649
4519.402, 4519.403, and 4519.41 of the Revised Code, the 5650
director of public safety may authorize a person to operate an 5651
off-highway motorcycle, an all-terrain vehicle, a snowmobile, a 5652
utility vehicle, or a mini-truck on a public street or highway 5653
for emergency travel during such time and in such manner as 5654
designated by the director. 5655

(B) When authorized to operate on a public street or 5656
highway, the applicable provisions of Chapters 4511., 4513., and 5657
4549. of the Revised Code apply to the operation of an off- 5658
highway motorcycle, an all-terrain vehicle, a snowmobile, a 5659
utility vehicle, or a mini-truck. 5660

(C) A person may operate an off-highway motorcycle, an 5661
all-terrain vehicle, a snowmobile, a utility vehicle, or a mini- 5662
truck without local authorization as follows: 5663

(1) When the person operates the motorcycle or vehicle 5664
exclusively on lands owned by the owner of the motorcycle or 5665
vehicle or lands to which the owner has a contractual right; 5666

(2) On other private property when the person has the 5667
permission of the owner of the private property or any other 5668
person having a right to the possession of the property. 5669

(D) No person shall operate an off-highway motorcycle, an 5670
all-terrain vehicle, a snowmobile, a utility vehicle, or a mini- 5671
truck on any of the following: 5672

(1) Private property, unless authorized under division (C) 5673
of this section; 5674

(2) Any land or water controlled by the state, unless the person is operating the motorcycle or vehicle at a location where a sign is posted permitting such operation; 5675
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(3) The tracks or right-of-way of an operating railroad; 5678

(4) A freeway. 5679

(E) Except as provided in sections 1533.103 and 2923.26 of the Revised Code or by rules adopted by the department of natural resources, no person shall operate an off-highway motorcycle, an all-terrain vehicle, a snowmobile, a utility vehicle, or a mini-truck while doing either of the following: 5680
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(1) Transporting a firearm, bow, or other implement for hunting, unless that firearm, bow, or other implement is unloaded and securely encased; 5685
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(2) Chasing, pursuing, capturing, or killing an animal or wildfowl. 5688
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(F) Whoever violates division (D) or (E) of this section shall be fined not less than fifty nor more than five hundred dollars, imprisoned not less than three nor more than thirty days, or both. 5690
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Sec. 4519.401. ~~(A) Except as provided in this section and section 4511.215 of the Revised Code, no~~ A person shall may operate a mini-truck within this state on public streets and highways where the local authority has authorized the operation of mini-trucks in accordance with division (B) of this section. 5694
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(B) A ~~By ordinance or resolution, a local authority may authorize the operation of mini-trucks on the public streets or highways under its jurisdiction, provided the local authority does all of the following:~~ 5699
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(1) Limits the operation of the mini-trucks to streets and 5703
highways having an established speed limit not greater than 5704
thirty-five miles per hour; 5705

(2) Requires the mini-truck to meet the equipment 5706
requirements specified by the director of public safety under 5707
section 4519.20 of the Revised Code and pass a vehicle 5708
inspection conducted by a local law enforcement agency that 5709
complies with the inspection requirements under section 4513.02 5710
of the Revised Code; 5711

(3) Requires the mini-truck owner to register the mini- 5712
truck in accordance with this chapter; 5713

(4) Notifies the director, in a manner the director 5714
determines, of the authorization for the operation of mini- 5715
trucks on its streets and highways. 5716

(C) Where authorized to operate on a public street or 5717
highway, a person operating a mini-truck may proceed across an 5718
intersection of a street or highway having a speed limit greater 5719
than thirty-five miles per hour. 5720

(D) A person may operate a mini-truck ~~on a farm for~~ 5721
agricultural purposes only when the owner of the farm qualifies 5722
for the current agricultural use valuation tax credit. A mini- 5723
truck may be operated by or on behalf of such a farm owner on 5724
public roads ~~streets and rights of way~~ only highways without 5725
local authorization when traveling from one farm field to 5726
another for agricultural purposes if the vehicle is displaying a 5727
triangular slow-moving vehicle emblem as described in section 5728
4513.112 of the Revised Code and the vehicle meets all of the 5729
equipment, inspection, and registration requirements of this 5730
chapter. 5731

~~(C)-(E)~~ A person may operate a mini-truck on property 5732
owned or leased by a dealer who sells mini-trucks at retail 5733
without local authorization. 5734

~~(D) Whoever~~ (F) No person shall operate a mini-truck in a 5735
manner that is not authorized by this section or section 4519.40 5736
of the Revised Code, or that is not authorized by a local 5737
authority in accordance with this section. 5738

(G) Except as otherwise provided in this division, whoever 5739
violates this section shall be penalized as provided in division 5740
~~(D) of section 4511.214 of the Revised Code~~ is guilty of a minor 5741
misdemeanor. If within one year of the offense, the offender 5742
previously has been convicted of or pleaded guilty to one 5743
predicate motor vehicle or traffic offense, whoever violates 5744
this section is guilty of a misdemeanor of the fourth degree. If 5745
within one year of the offense, the offender previously has been 5746
convicted of two or more predicate motor vehicle or traffic 5747
offenses, whoever violates this section is guilty of a 5748
misdemeanor of the third degree. 5749

Sec. 4519.402. (A) A person may operate a utility vehicle 5750
on public streets and highways where the local authority has 5751
authorized the operation of utility vehicles in accordance with 5752
division (B) of this section. 5753

(B) By ordinance or resolution, a local authority may 5754
authorize the operation of utility vehicles on the public 5755
streets or highways under its jurisdiction, provided the local 5756
authority does all of the following: 5757

(1) Limits the operation of the utility vehicles to 5758
streets and highways having an established speed limit not 5759
greater than fifty-five miles per hour; 5760

(2) Requires the utility vehicle to meet the equipment requirements specified by the director of public safety under section 4519.20 of the Revised Code and pass a vehicle inspection conducted by a local law enforcement agency that complies with the inspection requirements under section 4513.02 of the Revised Code; 5761
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(3) Requires the utility vehicle owner to register the utility vehicle in accordance with this chapter; 5767
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(4) Notifies the director, in a manner the director determines, of the authorization for the operation of utility vehicles on its streets and highways. 5769
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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: 5772
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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; 5775
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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. 5777
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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. 5782
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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 5786
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described in section 4513.112 of the Revised Code and the 5790
vehicle meets all of the equipment, inspection, and registration 5791
requirements of this chapter. 5792

(E) A state park or political subdivision employee or 5793
volunteer may operate a utility vehicle exclusively within the 5794
boundaries of state parks or political subdivision parks for the 5795
operation or maintenance of state or political subdivision park 5796
facilities. 5797

(F) No person shall operate a utility vehicle in a manner 5798
that is not authorized by this section or section 4519.40 of the 5799
Revised Code, or that is not authorized by a local authority in 5800
accordance with this section. 5801

(G) Except as otherwise provided in this division, whoever 5802
violates this section is guilty of a minor misdemeanor. If 5803
within one year of the offense, the offender previously has been 5804
convicted of or pleaded guilty to one predicate motor vehicle or 5805
traffic offense, whoever violates this section is guilty of a 5806
misdemeanor of the fourth degree. If within one year of the 5807
offense, the offender previously has been convicted of two or 5808
more predicate motor vehicle or traffic offenses, whoever 5809
violates this section is guilty of a misdemeanor of the third 5810
degree. 5811

Sec. 4519.403. (A) A person may operate an all-terrain 5812
vehicle on a public street or highway if both of the following 5813
apply: 5814

(1) The street or highway is under the jurisdiction of a 5815
local authority that, prior to the effective date of this 5816
section, authorized the operation of all-terrain vehicles on its 5817
public streets or highways by either an ordinance or resolution; 5818

(2) The local authority did not repeal or rescind the ordinance or resolution prior to the effective date of this section. 5819
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The authorization established under this division ceases if the local authority repeals or rescinds the ordinance or resolution on or after the effective date of this section. 5822
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(B) By ordinance or resolution, a local authority may authorize a person to operate an all-terrain vehicle to make a crossing of a public street or highway under its jurisdiction, when all of the following apply: 5825
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(1) The crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway. 5829
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(2) The operator yields the right-of-way to any approaching traffic that presents an immediate hazard. 5832
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(3) The all-terrain vehicle is displaying a triangular slow-moving vehicle emblem as described in section 4513.112 of the Revised Code. 5834
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(4) The all-terrain vehicle meets all of the equipment, inspection, and registration requirements of this chapter. 5837
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(C) A person may operate an all-terrain 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. 5839
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(D) No person shall operate an all-terrain vehicle in a 5846

manner that is not authorized by this section or section 4519.40 5847
of the Revised Code, or that is not authorized by a local 5848
authority in accordance with this section. 5849

(E) Except as otherwise provided in this division, whoever 5850
violates this section is guilty of a minor misdemeanor. If 5851
within one year of the offense, the offender previously has been 5852
convicted of or pleaded guilty to one predicate motor vehicle or 5853
traffic offense, whoever violates this section is guilty of a 5854
misdemeanor of the fourth degree. If within one year of the 5855
offense, the offender previously has been convicted of two or 5856
more predicate motor vehicle or traffic offenses, whoever 5857
violates this section is guilty of a misdemeanor of the third 5858
degree. 5859

Sec. 4519.41. (A) Snowmobiles, and off-highway 5860
motorcycles, and all purpose vehicles may be operated as 5861
follows: 5862

~~(A)(1)~~ To make a crossing of a highway, other than a 5863
state highway as designated in division (A)(1) of section 5864
4519.40 of the Revised Code, whenever the crossing can be made 5865
in safety and will not interfere with the movement of vehicular 5866
traffic approaching from any direction on the highway, and 5867
provided that the operator yields the right-of-way to any 5868
approaching traffic that presents an immediate hazard; 5869

~~(B)(2)~~ On highways in the county or township road systems 5870
whenever the local authority having jurisdiction over such 5871
highways so permits and provided the snowmobile or off-highway 5872
motorcycle meets all of the equipment, inspection, and 5873
registration requirements of this chapter; 5874

~~(C)(3)~~ Off and alongside a street or highway for limited 5875

distances from the point of unloading from a conveyance to the 5876
point at which the snowmobile, ~~or off-highway motorcycle, or~~ 5877
~~all-purpose vehicle~~ is intended and authorized to be operated; 5878

~~(D)~~ (4) On the berm or shoulder of a highway, other than a 5879
state highway as designated in division (A)(1) of section 5880
4519.40 of the Revised Code, when the terrain permits such 5881
operation to be undertaken safely and without the necessity of 5882
entering any traffic lane; 5883

~~(E)~~ (5) On the berm or shoulder of a county or township 5884
road, while traveling from one area of operation of the 5885
snowmobile, ~~or off-highway motorcycle, or all-purpose vehicle~~ to 5886
another such area; 5887

~~(F)~~ (6) For snowmobiles without metal studded tracks ~~and~~ 5888
~~all-purpose vehicles~~, on state highways located on an island in 5889
Lake Erie, including limited access highways and freeways, 5890
between the first day of November and the thirtieth day of 5891
April, provided that all of the following conditions apply: 5892

~~(1)~~ (a) The operator has a valid driver's license as 5893
required under section 4519.44 of the Revised Code. 5894

~~(2)~~ (b) The snowmobile ~~or all-purpose vehicle~~ is in 5895
compliance with rules governing safety equipment adopted under 5896
section 4519.20 of the Revised Code. 5897

~~(3)~~ (c) The owner of the snowmobile ~~or all-purpose vehicle~~ 5898
maintains proof of financial responsibility for both on-road and 5899
off-road use of the snowmobile ~~or all-purpose vehicle~~. 5900

~~(4)~~ (d) The operator obeys all traffic rules and 5901
regulations. 5902

(B) No person shall operate a snowmobile or an off-highway 5903

motorcycle in a manner that is not authorized by this section or 5904
section 4519.40 of the Revised Code, or that is not authorized 5905
by a local authority in accordance with this section. 5906

(C) Except as otherwise provided in this division, whoever 5907
violates this section is guilty of a minor misdemeanor. If 5908
within one year of the offense, the offender previously has been 5909
convicted of or pleaded guilty to one predicate motor vehicle or 5910
traffic offense, whoever violates this section is guilty of a 5911
misdemeanor of the fourth degree. If within one year of the 5912
offense, the offender previously has been convicted of two or 5913
more predicate motor vehicle or traffic offenses, whoever 5914
violates this section is guilty of a misdemeanor of the third 5915
degree. 5916

Sec. 4519.42. (A) The director of natural resources shall 5917
adopt rules for the operation of snowmobiles, off-highway 5918
motorcycles, utility vehicles, mini-trucks, and ~~all-purpose-all-~~ 5919
~~terrain~~ vehicles on land or waters controlled by the state. ~~The~~ 5920

(B) The director also shall undertake a program relating 5921
to the development of trails and special areas for the use of 5922
snowmobiles, off-highway motorcycles, utility vehicles, and ~~all-~~ 5923
~~purpose-all-terrain~~ vehicles, and may require any permits for 5924
such use as the director considers necessary. 5925

(C) The director may designate employees of the department 5926
of natural resources to enforce any rules adopted under this 5927
section. An employee so designated shall have full authority to 5928
enforce any provision of this chapter with respect to the proper 5929
titling, registration, equipping, and operation of snowmobiles, 5930
off-highway motorcycles, utility vehicles, mini-trucks, or ~~all-~~ 5931
~~purpose-all-terrain~~ vehicles on land or waters controlled by the 5932
state. 5933

Sec. 4519.43. A board of park commissioners of any park 5934
district created under Chapter 1545. of the Revised Code may 5935
provide by rule for the operation of snowmobiles, off-highway 5936
motorcycles, utility vehicles, mini-trucks, and ~~all-purpose-all-~~ 5937
terrain vehicles in the parks, parkways, and other reservations 5938
of land under its jurisdiction, and shall file a copy of any 5939
such rules with the director of natural resources. 5940

Any employee of a board of park commissioners designated 5941
pursuant to section 1545.13 of the Revised Code shall have full 5942
authority to enforce any of the provisions of this chapter with 5943
respect to the proper titling, registration, equipping, and 5944
operation of snowmobiles, off-highway motorcycles, utility 5945
vehicles, mini-trucks, or ~~all-purpose-all-terrain~~ vehicles 5946
within the lands under the jurisdiction and control of the 5947
board. 5948

Sec. 4519.44. (A) No person who does not hold a valid, 5949
current motor vehicle driver's or commercial driver's license, 5950
motorcycle operator's endorsement, or probationary license, 5951
issued under Chapter 4506. or 4507. of the Revised Code or a 5952
valid, current driver's license issued by another jurisdiction, 5953
shall operate a snowmobile, off-highway motorcycle, utility 5954
vehicle, mini-truck, or ~~all-purpose-all-terrain~~ vehicle on any 5955
street or highway in this state, on any portion of the right-of- 5956
way thereof, or on any public land or waters. 5957

(B) No person who is less than sixteen years of age shall 5958
operate a snowmobile, off-highway motorcycle, utility vehicle, 5959
mini-truck, or ~~all-purpose-all-terrain~~ vehicle on any land or 5960
waters other than private property or waters owned by or leased 5961
to the person's parent or guardian, unless accompanied by 5962
another person who is eighteen years of age, or older, and who 5963

holds a license as provided in division (A) of this section, 5964
except that the department of natural resources may permit such 5965
operation on state controlled land under its jurisdiction when 5966
such person is less than sixteen years of age and is accompanied 5967
by a parent or guardian who is a licensed driver eighteen years 5968
of age or older. 5969

(C) Whoever violates this section shall be fined not less 5970
than fifty nor more than five hundred dollars, imprisoned not 5971
less than three nor more than thirty days, or both. 5972

Sec. 4519.45. (A) Any dealer who rents, leases, or 5973
otherwise furnishes a snowmobile, off-highway motorcycle, 5974
utility vehicle, mini-truck, or all-purpose-all-terrain vehicle 5975
for hire shall maintain the vehicle in safe operating condition. 5976
No dealer, or agent or employee of a dealer, shall rent, lease, 5977
or otherwise furnish a snowmobile, off-highway motorcycle, 5978
utility vehicle, mini-truck, or all-purpose-all-terrain vehicle 5979
for hire to any person who does not hold a license as required 5980
by division (A) of section 4519.44 of the Revised Code, or to 5981
any person whom the dealer or an agent or employee of the dealer 5982
has reasonable cause to believe is incompetent to operate the 5983
vehicle in a safe and lawful manner. 5984

(B) Whoever violates this section shall be fined not less 5985
than one hundred nor more than five hundred dollars. 5986

Sec. 4519.46. The operator of a snowmobile, off-highway 5987
motorcycle, utility vehicle, mini-truck, or all-purpose-all- 5988
terrain vehicle involved in any accident resulting in bodily 5989
injury to or death of any person, or damage to the property of 5990
any person in excess of one hundred dollars, shall report the 5991
accident within forty-eight hours to the state highway patrol, 5992
the sheriff of the county within which the accident occurred, or 5993

the chief of police, if the accident occurred within a municipal corporation, and, within thirty days, shall forward a written report of the accident to the registrar of motor vehicles on a form prescribed by the registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the reports. In the event there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall make the reports.

Any law enforcement officer, or other person authorized by sections 4519.42 and 4519.43 of the Revised Code, who investigates or receives information of an accident involving a snowmobile, off-highway motorcycle, utility vehicle, mini-truck, or ~~all-purpose-all-terrain~~ vehicle, shall forward to the registrar a written report of the accident within forty-eight hours.

The registrar shall maintain a file of all reports received by the registrar of accidents involving a snowmobile, off-highway motorcycle, utility vehicle, mini-truck, or ~~all-purpose-all-terrain~~ vehicle. The reports shall be for the confidential use of the director of public safety and the director of natural resources in the development of equipment and operating regulations, and of programs relating to the safe use of snowmobiles, off-highway motorcycles, utility vehicles, mini-truck, and ~~all-purpose-all-terrain~~ vehicles, except that the registrar shall furnish a copy of such report to any person claiming to have been injured or damaged in such accident, or the person's attorney, upon the payment of a fee of one dollar.

Sec. 4519.47. (A) Whenever a person is found guilty of operating a snowmobile, off-highway motorcycle, mini-truck,

utility vehicle, or all-purpose-all-terrain vehicle in violation 6024
of any rule authorized to be adopted under section 4519.21 or 6025
4519.42 of the Revised Code, the trial judge of any court of 6026
record, in addition to or independent of any other penalties 6027
provided by law, may impound for not less than sixty days the 6028
certificate of registration and license plate, if applicable, of 6029
that snowmobile, off-highway motorcycle, mini-truck, utility
vehicle, or all-purpose-all-terrain vehicle. The court shall 6030
send the impounded certificate of registration and license 6031
plate, if applicable, to the registrar of motor vehicles, who 6032
shall retain the certificate of registration and license plate, 6033
if applicable, until the expiration of the period of 6034
impoundment. 6035
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(B) If a court impounds the certificate of registration 6037
and license plate of a utility vehicle or an all-purpose-all-
terrain vehicle pursuant to section 2911.21 of the Revised Code, 6038
the court shall send the impounded certificate of registration 6039
and license plate to the registrar, who shall retain them until 6040
the expiration of the period of impoundment. 6041
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Sec. 4519.48. ~~Nothing contained in this chapter shall~~ 6043
~~prevent local authorities from regulating the operation of~~ 6044
~~snowmobiles, off-highway motorcycles, and all-purpose vehicles~~ 6045
~~on streets and highways and other public property under their~~ 6046
~~jurisdiction, and within the reasonable exercise of the police~~ 6047
~~power, except that no~~ No local authority shall require the local 6048
registration or licensing of any snowmobile, off-highway 6049
motorcycle, mini-truck, utility vehicle, or all-purpose-all- 6050
terrain vehicle required or authorized to be registered or 6051
titled under this chapter. 6052

Sec. 4519.511. (A) The registrar of motor vehicles shall 6053

designate as an electronic dealer a dealer who meets both of the 6054
following criteria: 6055

~~(A)~~ (1) The dealer has the capability, via electronic 6056
means, to send title and registration information relating to 6057
off-highway motorcycles and ~~all-purpose-all-terrain~~ vehicles, as 6058
specified by the registrar, to the registrar and the clerks of 6059
the courts of common pleas. 6060

~~(B)~~ (2) The dealer meets other criteria for electronic 6061
dealers that the registrar may establish by rule adopted under 6062
Chapter 119. of the Revised Code. 6063

(B) An electronic dealer also may, via electronic means, 6064
send title and registration information relating to snowmobiles, 6065
utility vehicles, and mini-trucks, as specified by the 6066
registrar, to the registrar and the clerks of the courts of 6067
common pleas. 6068

Sec. 4519.512. (A) The owner of an off-highway motorcycle 6069
~~or all-purpose-all-terrain vehicle, snowmobile, utility vehicle,~~ 6070
~~or mini-truck~~ shall apply for a certificate of title for the 6071
motorcycle or vehicle when required by this chapter, ~~but, except~~ 6072
~~. Except~~ as otherwise specifically required in this chapter, the 6073
owner may elect whether or not to have the clerk of the court of 6074
common pleas to whom the certificate of title application is 6075
submitted issue a physical certificate of title for the 6076
motorcycle or vehicle, as provided in section 4519.58 of the 6077
Revised Code. 6078

(B) Except as otherwise specifically provided in this 6079
chapter, any provision of this chapter relating to the 6080
cancellation, issuance, or surrender of a certificate of title, 6081
including, but not limited to, provisions that contain a phrase 6082

such as "when a certificate of title is issued," "the clerk 6083
shall issue a certificate of title," or "the person shall obtain 6084
a certificate of title to the ~~off-highway motorcycle or all-~~ 6085
~~purpose vehicle,...~~" or another phrase of similar import, shall 6086
include those circumstances when a clerk enters certificate of 6087
title information into the automated title processing system, 6088
but does not take any further action relating to a physical 6089
certificate of title for the motorcycle or vehicle. 6090

Sec. 4519.52. (A) Except as provided in sections 4519.521 6091
and 4519.54 of the Revised Code, no dealer engaged in the 6092
business of selling new or used off-highway motorcycles or ~~all-~~ 6093
~~purpose all-terrain~~ vehicles shall sell or otherwise transfer a 6094
new or used off-highway motorcycle or ~~all-purpose all-terrain~~ 6095
vehicle without obtaining a certificate of title to the new or 6096
used motorcycle or vehicle, in accordance with this chapter, and 6097
delivering the certificate of title or memorandum certificate of 6098
title to the purchaser or transferee. 6099

(B) (1) ~~A person who is not a dealer engaged in the~~ 6100
~~business of selling new or used off-highway motorcycles or all-~~ 6101
~~purpose vehicles and~~ In addition to the circumstances in which a 6102
certificate of title is required under division (A) of this 6103
section, any person who owns an off-highway motorcycle or all- 6104
purpose, an all-terrain vehicle, a snowmobile, a utility 6105
vehicle, or a mini-truck may choose to obtain a certificate of 6106
title to the motorcycle or vehicle. The person shall comply with 6107
this chapter in order to obtain the certificate of title. 6108

(2) If a person ~~who is not a dealer engaged in the~~ 6109
~~business of selling new or used off-highway motorcycles or all-~~ 6110
~~purpose vehicles and~~ who owns an off-highway motorcycle or ~~all-~~ 6111
~~purpose, an all-terrain vehicle, a snowmobile, a utility~~ 6112

vehicle, or a mini-truck obtains a certificate of title to the 6113
motorcycle or vehicle, that person, except as otherwise provided 6114
in section 4519.521 of the Revised Code, shall not sell or 6115
otherwise transfer the motorcycle or vehicle without delivering 6116
to the purchaser or transferee a certificate of title with an 6117
assignment on it as is necessary to show title in the purchaser 6118
or transferee, and no person shall subsequently purchase or 6119
otherwise acquire the motorcycle or vehicle without obtaining a 6120
certificate of title to the motorcycle or vehicle in the 6121
person's own name. 6122

(C) Whoever violates this section shall be fined fifty 6123
dollars. 6124

Sec. 4519.521. (A) (1) If a person who is not an electronic 6125
dealer owns an off-highway motorcycle ~~or all-purpose~~, an all- 6126
terrain vehicle, a snowmobile, a utility vehicle, or a mini- 6127
truck for which a physical certificate of title has not been 6128
issued by a clerk of a court of common pleas and the person 6129
sells the motorcycle or vehicle to an electronic dealer, the 6130
person is not required to obtain a physical certificate of title 6131
to the motorcycle or vehicle in order to transfer ownership to 6132
the dealer. The person shall present the dealer, in a manner 6133
approved by the registrar of motor vehicles, with sufficient 6134
proof of the person's identity and complete and sign a form 6135
prescribed by the registrar attesting to the person's identity 6136
and assigning the motorcycle or vehicle to the dealer. The 6137
electronic dealer then shall inform a clerk of a court of common 6138
pleas via electronic means of the sale of the motorcycle or 6139
vehicle and assignment of ownership of the motorcycle or vehicle 6140
to the dealer. The clerk shall enter the information relating to 6141
the assignment into the automated title processing system, and 6142
ownership of the motorcycle or vehicle passes to the dealer when 6143

the clerk enters this information into the system. The dealer is 6144
not required to obtain a certificate of title to the motorcycle 6145
or vehicle in the dealer's name. 6146

(2) A clerk shall charge and collect from a dealer a fee 6147
of five dollars for each motorcycle or vehicle assigned to the 6148
dealer under division (A) (1) of this section. The fee shall be 6149
distributed in accordance with section 4519.59 of the Revised 6150
Code. 6151

(B) If a person who is not an electronic dealer owns an 6152
~~off-highway motorcycle or all-purpose~~, an all-terrain vehicle, 6153
a snowmobile, a utility vehicle, or a mini-truck that is titled 6154
but for which a physical certificate of title has not been 6155
issued by a clerk of a court of common pleas and the person 6156
sells the motorcycle or vehicle to a person who is not an 6157
electronic dealer, the person shall obtain a physical 6158
certificate of title to the motorcycle or vehicle in order to 6159
transfer ownership of the motorcycle or vehicle to the person 6160
who is not an electronic dealer. 6161

Sec. 4519.53. (A) (1) No person who acquires an off-highway 6162
motorcycle or all-purpose, all-terrain vehicle, snowmobile, 6163
utility vehicle, or mini-truck for which a certificate of title 6164
is required by this chapter from the owner of it, whether the 6165
owner is a manufacturer, importer, dealer, or any other person, 6166
acquires any right, title, claim, or interest in or to the ~~off-~~ 6167
~~highway motorcycle or all-purpose vehicle~~ until one of the 6168
following occurs: 6169

(a) The person has been is issued a certificate of title 6170
to the ~~off-highway motorcycle or all-purpose vehicle, or there~~ 6171
~~is delivered to the~~. 6172

(b) The person receives a manufacturer's or importer's 6173
certificate for ~~it, or the motorcycle or vehicle.~~ 6174

(c) The person is assigned a certificate of title to it is 6175
~~assigned the motorcycle or vehicle~~ as authorized by section 6176
4519.521 of the Revised Code. ~~No~~ 6177

(2) No waiver or estoppel operates in favor of that person 6178
against a person having possession or assignment of the 6179
certificate of title to, or manufacturer's or importer's 6180
certificate for, the ~~off highway motorcycle or all purpose~~ 6181
vehicle, for a valuable consideration. 6182

(B) No court in any case at law or in equity shall 6183
recognize the right, title, claim, or interest of any person in 6184
or to any ~~off highway such motorcycle or all purpose vehicle,~~ 6185
for which a certificate of title is required by this chapter, 6186
sold or disposed of, or mortgaged or encumbered, unless 6187
evidenced by one of the following: 6188

~~(A) (1) A certificate of title or a ;~~ 6189

(2) A manufacturer's or importer's certificate issued in 6190
accordance with this chapter, ~~or an ;~~ 6191

(3) An assignment of a certificate of title made under 6192
section 4519.521 of the Revised Code; 6193

~~(B) (4) Admission in the pleadings or stipulation of the~~ 6194
parties. 6195

Sec. 4519.54. (A) No manufacturer, importer, dealer, or 6196
other person shall sell or otherwise dispose of a new off- 6197
highway motorcycle or ~~all purpose~~ all-terrain vehicle to a 6198
dealer to be used by the dealer for purposes of display and 6199
resale, without delivering to the dealer a manufacturer's or 6200

importer's certificate executed in accordance with this section, 6201
and with such assignments thereon as are necessary to show title 6202
in the purchaser. No dealer shall purchase or acquire a new off- 6203
highway motorcycle or ~~all-purpose~~ all-terrain vehicle without 6204
obtaining from the seller the manufacturer's or importer's 6205
certificate. 6206

(B) A manufacturer's or importer's certificate of the 6207
origin of an off-highway motorcycle or ~~all-purpose~~ all-terrain 6208
vehicle shall contain the following information, in such form 6209
and together with such further information as the registrar of 6210
motor vehicles may require: 6211

~~(A)~~ (1) A description of the off-highway motorcycle or 6212
~~all-purpose~~ all-terrain vehicle, including its make, year, 6213
series or model, if any, body type, and manufacturer's vehicle 6214
identification number; 6215

~~(B)~~ (2) Certification of the date of transfer of the off- 6216
highway motorcycle or ~~all-purpose~~ all-terrain vehicle to a 6217
distributor or dealer or other transferee, and the name and 6218
address of the transferee; 6219

~~(C)~~ (3) Certification that this was the first transfer of 6220
the new off-highway motorcycle or ~~all-purpose~~ all-terrain 6221
vehicle in ordinary trade and commerce; 6222

~~(D)~~ (4) The signature and address of a representative of 6223
the transferor. 6224

(C) An assignment of a manufacturer's or importer's 6225
certificate before a notary public or other officer empowered to 6226
administer oaths shall be printed on the reverse side of the 6227
manufacturer's or importer's certificate in a form to be 6228
prescribed by the registrar. The assignment form shall include 6229

the name and address of the transferee, a certification that the 6230
off-highway motorcycle or ~~all-purpose-all-terrain~~ vehicle is 6231
new, and a warranty that the title at the time of delivery is 6232
subject only to such liens and encumbrances as are set forth and 6233
described in full in the assignment. 6234

Sec. 4519.55. ~~Application~~ (A) (1) Any application for a 6235
certificate of title for an off-highway motorcycle ~~or all-~~ 6236
~~purpose~~, all-terrain vehicle, snowmobile, utility vehicle, or 6237
mini-truck shall be made upon a form prescribed by the registrar 6238
of motor vehicles and shall be sworn to before a notary public 6239
or other officer empowered to administer oaths. The application 6240
shall be filed with the clerk of any court of common pleas. An 6241
application for a certificate of title may be filed 6242
electronically by any electronic means approved by the registrar 6243
in any county with the clerk of the court of common pleas of 6244
that county. 6245

(2) If an application for a certificate of title is filed 6246
electronically by an electronic dealer on behalf of the 6247
purchaser of an off-highway motorcycle ~~or all-purpose~~, an all- 6248
terrain vehicle, a snowmobile, a utility vehicle, or a mini- 6249
truck, the clerk shall retain the completed electronic record to 6250
which the electronic dealer converted the certificate of title 6251
application and other required documents. The registrar, after 6252
consultation with the attorney general, shall adopt rules that 6253
govern the location at which, and the manner in which, are 6254
stored the actual application and all other documents relating 6255
to the sale ~~of an off-highway motorcycle or all-purpose vehicle~~ 6256
when an electronic dealer files the application for a 6257
certificate of title electronically on behalf of the purchaser. 6258

(B) The application shall be accompanied by the fee 6259

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

(C) (1) If a certificate of title previously has been
issued for ~~an the~~ off-highway motorcycle ~~or all purpose~~, all-
terrain vehicle, snowmobile, utility vehicle, or mini-truck, the
application also shall be accompanied by the certificate of
title duly assigned, unless otherwise provided in this chapter.
~~if~~

(2) If a certificate of title previously has not been
issued for the off-highway motorcycle ~~or all purpose~~, all-
terrain vehicle, snowmobile, utility vehicle, or mini-truck, the
application, unless otherwise provided in this chapter, shall be
accompanied by ~~a~~ one of the following:

(a) A manufacturer's or importer's certificate; ~~by a~~

(b) A sworn statement of ownership; ~~or by a~~

(c) A certificate of title, bill of sale, or other
evidence of ownership required by law of another state from
which the ~~off-highway motorcycle or all-purpose~~ vehicle was
brought into this state. ~~The~~

(3) The registrar, in accordance with Chapter 119. of the
Revised Code, shall prescribe the types of additional
documentation sufficient to establish proof of ownership,
including, but not limited to, receipts from the purchase of

parts or components, photographs, and affidavits of other 6289
persons. 6290

(D) (1) If the application is made by two persons regarding 6291
an off-highway motorcycle ~~or, an all-purpose all-terrain~~ 6292
vehicle, a snowmobile, a utility vehicle, or a mini-truck in 6293
which they wish to establish joint ownership with right of 6294
survivorship, they may do so as provided in section 2131.12 of 6295
the Revised Code. ~~If~~ 6296

(2) If the applicant requests a designation of the off- 6297
highway motorcycle ~~or all-purpose, all-terrain~~ vehicle, 6298
snowmobile, utility vehicle, or mini-truck in beneficiary form 6299
so that upon the death of the owner of the ~~off-highway~~ 6300
motorcycle or ~~all-purpose~~ vehicle, ownership of the ~~off-highway~~ 6301
motorcycle or ~~all-purpose~~ vehicle will pass to a designated 6302
transfer-on-death beneficiary or beneficiaries, the applicant 6303
may do so as provided in section 2131.13 of the Revised Code. A 6304
person who establishes ownership of ~~an off-highway~~ the 6305
motorcycle or ~~an all-purpose~~ vehicle that is transferable on 6306
death in accordance with section 2131.13 of the Revised Code may 6307
terminate that type of ownership or change the designation of 6308
the transfer-on-death beneficiary or beneficiaries by applying 6309
for a certificate of title pursuant to this section. 6310

(E) For purposes of the transfer of a certificate of 6311
title, if the clerk is satisfied that a secured party has duly 6312
discharged a lien notation but has not canceled the lien 6313
notation with a clerk, the clerk may cancel the lien notation on 6314
the automated title processing system and notify the clerk of 6315
the county of origin. 6316

(F) (1) In the case of the sale of an off-highway 6317
motorcycle or ~~all-purpose all-terrain~~ vehicle by a dealer to a 6318

general purchaser or user, the certificate of title shall be 6319
obtained in the name of the purchaser by the dealer upon 6320
application signed by the purchaser. ~~In~~ 6321

(2) In the case of a dealer selling a snowmobile, utility 6322
vehicle, or mini-truck to a general purchaser, the dealer may 6323
obtain a certificate of title in the name of the purchaser upon 6324
application signed by the purchaser. 6325

(3) In all other cases not specified by division (F) (1) or 6326
(2) of this section, the certificate shall be obtained by the 6327
purchaser. ~~In~~ 6328

(4) In all cases of transfer of ~~an a titled~~ off-highway 6329
motorcycle or all purpose, all-terrain vehicle, snowmobile, 6330
utility vehicle, or mini-truck, the application for certificate 6331
of title shall be filed within thirty days after the later of 6332
the date of purchase or assignment of ownership of the ~~off-~~ 6333
highway motorcycle or all purpose vehicle. ~~If~~ 6334

(5) If the application for certificate of title is not 6335
filed within the thirty days ~~after the later of the date of~~ 6336
~~purchase or assignment of ownership of the off-highway~~ 6337
~~motorcycle or all purpose vehicles~~specified by division (F) (4) of 6338
this section, the clerk shall charge a late filing fee of five 6339
dollars in addition to the fee prescribed by section 4519.59 of 6340
the Revised Code. The clerk shall retain the entire amount of 6341
each late filing fee. 6342

(G) (1) ~~Except in the case of an off-highway motorcycle or~~ 6343
~~all purpose vehicle purchased prior to July 1, 1999~~as provided 6344
by division (G) (3) of this section, the clerk shall refuse to 6345
accept an application for certificate of title unless the 6346
applicant either tenders with the application payment of all 6347

taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code based on the purchaser's county of residence, or submits either of the following:

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

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

(2) Payment of the tax shall be made in accordance with division (E) of section 4505.06 of the Revised Code and any rules issued by the tax commissioner. When a dealer submits payment of the tax to the clerk, the dealer shall retain any discount to which the dealer is entitled under section 5739.12 of the Revised Code. The clerk shall issue a receipt in the form prescribed by the tax commissioner to any applicant who tenders payment of the tax with the application for a certificate of title. ~~If the application for a certificate of title is for an off-highway motorcycle or all-purpose vehicle purchased prior to July 1, 1999, the~~

(3) A clerk shall accept ~~the~~ an application for a certificate of title without payment of the taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code or presentation of either of the items listed in division ~~(A)~~ or ~~(B)~~ (G) (1) of this section for both of the following:

(a) An off-highway motorcycle or all-terrain vehicle purchased prior to July 1, 1999;

(b) A snowmobile, utility vehicle, or mini-truck purchased prior to the effective date of this amendment.

(H) (1) For receiving and disbursing such taxes paid to the 6377
clerk by a resident of the clerk's county, the clerk may retain 6378
a poundage fee of one and one-hundredth per cent of the taxes 6379
collected, which shall be paid into the certificate of title 6380
administration fund created by section 325.33 of the Revised 6381
Code. The clerk shall not retain a poundage fee from payments of 6382
taxes by persons who do not reside in the clerk's county. 6383

(2) A clerk, however, may retain from the taxes paid to 6384
the clerk an amount equal to the poundage fees associated with 6385
certificates of title issued by other clerks of courts of common 6386
pleas to applicants who reside in the first clerk's county. The 6387
registrar, in consultation with the tax commissioner and the 6388
clerks of the courts of common pleas, shall develop a report 6389
from the automated title processing system that informs each 6390
clerk of the amount of the poundage fees that the clerk is 6391
permitted to retain from those taxes because of certificates of 6392
title issued by the clerks of other counties to applicants who 6393
reside in the first clerk's county. 6394

(3) In the case of casual sales of ~~off-highway such~~ 6395
motorcycles or ~~all-purpose~~ vehicles that are subject to the tax 6396
imposed by Chapter 5739. or 5741. of the Revised Code, the 6397
purchase price for the purpose of determining the tax shall be 6398
the purchase price on an affidavit executed and filed with the 6399
clerk by the seller on a form to be prescribed by the registrar, 6400
which shall be prima-facie evidence of the price for the 6401
determination of the tax. 6402

(I) In addition to the information required by section 6403
4519.57 of the Revised Code, each certificate of title shall 6404
contain in bold lettering the following notification and 6405
statements: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND 6406

BUYER): You are required by law to state the true selling price. 6407
A false statement is in violation of section 2921.13 of the 6408
Revised Code and is punishable by six months imprisonment or a 6409
fine of up to one thousand dollars, or both. All transfers are 6410
audited by the department of taxation. The seller and buyer must 6411
provide any information requested by the department of taxation. 6412
The buyer may be assessed any additional tax found to be due." 6413

(J) The clerk shall forward all payments of taxes, less 6414
poundage fees, to the treasurer of state in a manner to be 6415
prescribed by the tax commissioner and shall furnish information 6416
to the commissioner as the commissioner may require. 6417

(K) Every clerk shall have the capability to transact by 6418
electronic means all procedures and transactions relating to the 6419
issuance of certificates of title for off-highway motorcycles 6420
~~and all purpose~~, all-terrain vehicles, snowmobiles, utility 6421
vehicles, and mini-trucks that are described in the Revised Code 6422
as being accomplished by electronic means. 6423

Sec. 4519.551. Notwithstanding any general requirement in 6424
this chapter to the effect that an application for a certificate 6425
of title to an off-highway motorcycle ~~or all purpose~~, an all- 6426
terrain vehicle, a snowmobile, a utility vehicle, or a mini- 6427
truck shall be "sworn to" or shall be "sworn to before a notary 6428
public or other officer empowered to administer oaths," that 6429
requirement shall apply only in the case of a transfer of ~~an~~ 6430
~~off highway a~~ motorcycle or ~~all purpose~~ vehicle between parties 6431
in the course of a sale by a person other than a registered 6432
dealer to a person who purchases the ~~off-highway~~ motorcycle or 6433
~~all purpose~~ vehicle for use as a consumer. 6434

Sec. 4519.56. ~~(A)~~ (A) (1) An application for a certificate 6435
of title shall be sworn to before a notary public or other 6436

officer empowered to administer oaths by the lawful owner or 6437
purchaser of the off-highway motorcycle ~~or all-purpose~~, all- 6438
terrain vehicle, snowmobile, utility vehicle, or mini-truck and 6439
shall contain at least the following information in a form and 6440
together with any other information the registrar of motor 6441
vehicles may require: 6442

~~(1)~~ (a) Name, address, and social security number or 6443
employer's tax identification number of the applicant; 6444

~~(2)~~ (b) Statement of how the ~~off-highway~~ motorcycle or 6445
~~all-purpose~~ vehicle was acquired; 6446

~~(3)~~ (c) Name and address of the previous owner; 6447

~~(4)~~ (d) A statement of all liens, mortgages, or other 6448
encumbrances on the ~~off-highway~~ motorcycle or ~~all-purpose~~ 6449
vehicle, and the name and address of each holder thereof; 6450

~~(5)~~ (e) If there are no outstanding liens, mortgages, or 6451
other encumbrances, a statement of that fact; 6452

~~(6)~~ (f) A description of the ~~off-highway~~ motorcycle or 6453
~~all-purpose~~ vehicle, including the make, year, series or model, 6454
if any, body type, and manufacturer's vehicle identification 6455
number. 6456

(2) If the off-highway motorcycle ~~or all-purpose~~, all- 6457
terrain vehicle, snowmobile, utility vehicle, or mini-truck 6458
contains a permanent identification number placed thereon by the 6459
manufacturer, this number shall be used as the vehicle 6460
identification number. Except as provided in division (B) of 6461
this section, if the application for a certificate of title 6462
refers to an off-highway motorcycle ~~or all-purpose~~, an all- 6463
terrain vehicle, a snowmobile, a utility vehicle, or a mini- 6464
truck that contains such a permanent identification number, but 6465

for which no certificate of title has been issued previously by 6466
this state, the application shall be accompanied by a physical 6467
inspection certificate as described in that division. 6468

(3) If there is no manufacturer's vehicle identification 6469
number or if the manufacturer's vehicle identification number 6470
has been removed or obliterated, the registrar, upon receipt of 6471
a prescribed application and proof of ownership, but prior to 6472
issuance of a certificate of title, shall assign a vehicle 6473
identification number for the off-highway motorcycle ~~or all-~~ 6474
~~purpose~~, all-terrain vehicle, snowmobile, utility vehicle, or 6475
mini-truck. This assigned vehicle identification number shall be 6476
permanently affixed to or imprinted upon the ~~off-highway~~ 6477
motorcycle or ~~all-purpose~~ vehicle by the state highway patrol. 6478
The state highway patrol shall assess a fee of fifty dollars for 6479
affixing the number to the ~~off-highway~~ motorcycle or ~~all-purpose~~ 6480
vehicle and shall deposit each such fee in the public safety - 6481
highway purposes fund established by section 4501.06 of the 6482
Revised Code. 6483

~~(B)(B)(1)~~ Except in the case of a new off-highway 6484
motorcycle or all-purpose vehicle sold by a dealer title to 6485
which is evidenced by a manufacturer's or importer's 6486
~~certificate~~ as provided in division (B)(2) of this section, if 6487
the application for a certificate of title refers to an off- 6488
highway motorcycle ~~or all-purpose~~, all-terrain vehicle, 6489
snowmobile, utility vehicle, or mini-truck that contains a 6490
permanent identification number placed thereon by the 6491
manufacturer, but for which no certificate of title previously 6492
has been issued by this state, the application shall be 6493
accompanied by a physical inspection certificate issued by the 6494
department of public safety ~~verifying~~. The physical inspection 6495
certificate shall verify the make, year, series or model, if 6496

any, body type, and manufacturer's vehicle identification number 6497
of the ~~off-highway motorcycle or all-purpose~~ vehicle for which 6498
the certificate of title is desired. The physical inspection 6499
certificate shall be in such form as is designated by the 6500
registrar. The physical inspection shall be made at a deputy 6501
registrar's office or at an established place of business 6502
operated by a licensed motor vehicle dealer. The deputy 6503
registrar or motor vehicle dealer may charge a maximum fee equal 6504
to the amount established under section 4503.038 of the Revised 6505
Code for conducting the physical inspection. 6506

(2) A new off-highway motorcycle or all-terrain vehicle 6507
that is sold by a dealer and is evidenced by a manufacturer's or 6508
importer's certificate does not require an accompanying physical 6509
inspection certificate under division (B)(1) of this section. 6510

(C) The clerk of the court of common pleas shall charge a 6511
fee of one dollar and fifty cents for the processing of each 6512
physical inspection certificate. The clerk shall retain fifty 6513
cents of the one dollar and fifty cents so charged and shall pay 6514
the remaining one dollar to the registrar by monthly returns, 6515
which shall be forwarded to the registrar not later than the 6516
fifth day of the month next succeeding that in which the 6517
certificate is received by the clerk. The registrar shall pay 6518
such remaining sums into the public safety - highway purposes 6519
fund established by section 4501.06 of the Revised Code. 6520

Sec. 4519.57. ~~(A)~~ (A) (1) When the clerk of a court of 6521
common pleas issues a physical certificate of title for an off- 6522
highway motorcycle ~~or all-purpose~~, all-terrain vehicle, 6523
snowmobile, utility vehicle, or mini-truck, the clerk shall 6524
issue it over the clerk's official seal. The front side of each 6525
physical certificate of title shall contain the information 6526

required in the application for it as prescribed by section 6527
4519.56 of the Revised Code, spaces for the dates of notation 6528
and cancellation of two liens, mortgages, or encumbrances, and 6529
any other pertinent information as may be required by the 6530
registrar of motor vehicles, ~~but~~. The physical certificate of 6531
title shall contain neither the social security number nor 6532
taxpayer identification number of the applicant. ~~The~~ 6533

(2) The reverse side of each physical certificate of title 6534
shall contain all of the information specified in division (F) 6535
of section 4505.07 of the Revised Code. An assignment of 6536
certificate of title before a notary public or other officer 6537
empowered to administer oaths shall appear on the reverse side 6538
of each physical certificate of title in the form to be 6539
prescribed by the registrar. The assignment form shall include a 6540
warranty that the signer is the owner of the off-highway 6541
motorcycle ~~or all purpose~~, all-terrain vehicle, snowmobile, 6542
utility vehicle, or mini-truck and that there are no mortgages, 6543
liens, or encumbrances on the ~~off-highway motorcycle or all-~~ 6544
~~purpose~~ vehicle except as are noted on the face of the 6545
certificate of title. 6546

(3) Physical certificates of title also shall ~~bear display~~ 6547
a statement that liens applicable to the off-highway motorcycle 6548
~~or all purpose~~, all-terrain vehicle, snowmobile, utility 6549
vehicle, or mini-truck other than the two for which there are 6550
spaces on the certificates may exist and, if so, are entered 6551
into the automated title processing system. 6552

(B) An electronic certificate of title is an electronic 6553
record stored in the automated title processing system that 6554
establishes ownership of an off-highway motorcycle ~~or all-~~ 6555
~~purpose~~, all-terrain vehicle, snowmobile, utility vehicle, or 6556

mini-truck, as well as any security interests that exist in that 6557
~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle. 6558

Sec. 4519.58. ~~(A)~~(A) (1) When the clerk of a court of 6559
common pleas issues a physical certificate of title, the clerk 6560
shall issue the certificate of title on a form and in a manner 6561
prescribed by the registrar of motor vehicles. The clerk shall 6562
file a copy of the physical evidence for the creation of the 6563
certificate of title in a manner prescribed by the registrar. A 6564
clerk may retain digital images of documents used as evidence 6565
for issuance of a certificate of title. Certified printouts of 6566
documents retained as digital images shall have the same 6567
evidentiary value as the original physical documents. The record 6568
of the issuance of the certificate of title shall be maintained 6569
in the automated title processing system. ~~The~~ 6570

(2) The clerk shall sign and affix the clerk's seal to the 6571
original certificate of title and, if there are no liens on the 6572
~~off-highway motorcycle or all-purpose~~, all-terrain vehicle, 6573
snowmobile, utility vehicle, or mini-truck, shall deliver the 6574
certificate to the applicant or the selling dealer, as 6575
applicable. Except as otherwise provided in this section, if 6576
there are one or more liens on the ~~off-highway~~ motorcycle or 6577
~~all-purpose~~ vehicle, the certificate of title shall be delivered 6578
to the holder of the first lien. If the certificate of title is 6579
obtained by a dealer on behalf of the applicant and there are 6580
one or more liens on the ~~off-highway~~ motorcycle or ~~all-purpose~~ 6581
vehicle, the clerk shall issue a certificate of title and may 6582
issue a memorandum certificate of title. The certificate of 6583
title and memorandum certificate of title, if issued, shall be 6584
delivered to the holder of the first lien or the selling dealer, 6585
who shall deliver the certificate of title to the holder of the 6586
first lien and the memorandum certificate of title to the 6587

applicant. The selling dealer also may make arrangements with 6588
the clerk to have the clerk deliver the memorandum certificate 6589
of title to the applicant. 6590

~~(B)~~ (B) (1) The registrar shall prescribe a uniform method 6591
of numbering certificates of title. The numbering shall be in 6592
such manner that the county of issuance is indicated. Numbers 6593
shall be assigned to certificates of title in the manner 6594
prescribed by the registrar. The clerk shall file all 6595
certificates of title according to the rules to be prescribed by 6596
the registrar, and the clerk shall maintain in the clerk's 6597
office indexes for the certificates of title. 6598

(2) The clerk need not retain on file any current 6599
certificates of title, current duplicate certificates of title, 6600
current memorandum certificates of title, or current salvage 6601
certificates of title, or supporting evidence of them, covering 6602
any off-highway motorcycle ~~or all purpose~~, all-terrain vehicle, 6603
snowmobile, utility vehicle, or mini-truck for a period longer 6604
than seven years after the date of their filing; ~~thereafter.~~ 6605
Thereafter, the documents and supporting evidence may be 6606
destroyed. The clerk need not retain on file any inactive 6607
records, including certificates of title, duplicate certificates 6608
of title, or memorandum certificates of title, or supporting 6609
evidence of them, including the electronic record described in 6610
section 4519.55 of the Revised Code, covering any off-highway 6611
motorcycle ~~or all purpose~~, all-terrain vehicle, snowmobile, 6612
utility vehicle, or mini-truck for a period longer than five 6613
years after the date of their filing; ~~thereafter.~~ Thereafter, 6614
the documents and supporting evidence may be destroyed. 6615

(3) The automated title processing system shall contain 6616
all active records and an index of the active records, and shall 6617

contain a record and index of all inactive titles for ten years, 6618
and a record and index of all inactive titles for ~~manufactured-~~ 6619
~~and mobile homes~~ off-highway motorcycles, all-terrain vehicles, 6620
snowmobiles, utility vehicles, or mini-trucks for thirty years. 6621
If the clerk provides a written copy of any information 6622
contained in the database, the copy shall be considered the 6623
original for purposes of the clerk certifying the record of such 6624
information for use in any legal proceedings. 6625

(C) Except as provided in this division, the clerk shall 6626
issue a physical certificate of title to an applicant unless the 6627
applicant specifically requests the clerk not to issue a 6628
physical certificate of title and instead to issue an electronic 6629
certificate of title. In the case of a title application that is 6630
submitted electronically to the clerk, the clerk shall issue an 6631
electronic certificate of title unless the applicant requests 6632
the issuance of a physical certificate of title. The fact that a 6633
physical certificate of title is not issued for an off-highway 6634
~~motorcycle or all-purpose,~~ all-terrain vehicle, snowmobile, 6635
utility vehicle, or mini-truck does not affect ownership of the 6636
motorcycle or vehicle. In that case, when the clerk completes 6637
the process of entering certificate of title application 6638
information into the automated title processing system, the 6639
effect of the completion of the process is the same as if the 6640
clerk actually issued a physical certificate of title for the 6641
motorcycle or vehicle. 6642

(D) An electronic dealer, who applies for a certificate of 6643
title on behalf of a customer ~~who purchases an off-highway-~~ 6644
~~motorcycle or all-purpose vehicle from the dealer,~~ may print a 6645
non-negotiable evidence of ownership for the customer if the 6646
customer so requests. The authorization to print the non- 6647
negotiable evidence of ownership shall come from the clerk with 6648

whom the dealer makes application for the certificate of title 6649
for the customer, but the printing by the dealer does not create 6650
an agency relationship of any kind between the dealer and the 6651
clerk. 6652

(E) The owner of the off-highway motorcycle ~~or all-purpose~~ 6653
, all-terrain vehicle, snowmobile, utility vehicle, or mini- 6654
truck may apply at any time to a clerk of a court of common 6655
pleas for a non-negotiable evidence of ownership for the ~~off-~~ 6656
~~highway motorcycle or all-purpose~~ vehicle. 6657

Sec. 4519.59. (A) (1) The clerk of a court of common pleas 6658
shall charge and retain fees as follows: 6659

(a) Fifteen dollars for each certificate of title or 6660
duplicate certificate of title including the issuance of a 6661
memorandum certificate of title, authorization to print a non- 6662
negotiable evidence of ownership described in division (D) of 6663
section 4519.58 of the Revised Code, non-negotiable evidence of 6664
ownership printed by the clerk under division (E) of that 6665
section, and notation of any lien on a certificate of title that 6666
is applied for at the same time as the certificate of title. The 6667
clerk shall retain eleven dollars and fifty cents of that fee 6668
for each certificate of title when there is a notation of a lien 6669
or security interest on the certificate of title, twelve dollars 6670
and twenty-five cents when there is no lien or security interest 6671
noted on the certificate of title, and eleven dollars and fifty 6672
cents for each duplicate certificate of title. 6673

(b) Five dollars for each certificate of title with no 6674
security interest noted that is issued to a licensed motor 6675
vehicle dealer for resale purposes. The clerk shall retain two 6676
dollars and twenty-five cents of that fee. 6677

(c) Five dollars for each memorandum certificate of title 6678
or non-negotiable evidence of ownership that is applied for 6679
separately. The clerk shall retain that entire fee. 6680

(2) The fees that are not retained by the clerk shall be 6681
paid to the registrar of motor vehicles by monthly returns, 6682
which shall be forwarded to the registrar not later than the 6683
fifth day of the month next succeeding that in which the 6684
certificate is forwarded or that in which the registrar is 6685
notified of a lien or cancellation of a lien. 6686

(B) (1) The registrar shall pay twenty-five cents of the 6687
amount received for each certificate of title that is issued to 6688
a motor vehicle dealer for resale, one dollar for certificates 6689
of title issued with a lien or security interest noted on the 6690
certificate of title, and twenty-five cents for each certificate 6691
of title with no lien or security interest noted on the 6692
certificate of title into the public safety - highway purposes 6693
fund established in section 4501.06 of the Revised Code. 6694

(2) Fifty cents of the amount received for each 6695
certificate of title shall be paid by the registrar as follows: 6696

(a) Four cents shall be paid into the state treasury to 6697
the credit of the motor vehicle dealers board fund created in 6698
section 4505.09 of the Revised Code, for use as described in 6699
division (B) (2) (a) of that section. 6700

(b) ~~Twenty-one~~ Thirty-one cents shall be paid into the 6701
highway operating fund. 6702

(c) ~~Twenty-five~~ Fifteen cents shall be paid into the state 6703
treasury to the credit of the motor vehicle sales audit fund 6704
created in section 4505.09 of the Revised Code, for use as 6705
described in division (B) (2) (c) of that section. 6706

(3) Two dollars of the amount received by the registrar 6707
for each certificate of title shall be paid into the state 6708
treasury to the credit of the automated title processing fund 6709
created in section 4505.09 of the Revised Code, for use as 6710
described in divisions (B) (3) (a) and (c) of that section. 6711

Sec. 4519.60. (A) ~~In the event of the transfer of This~~ 6712
~~section applies when ownership of an off-highway motorcycle or~~ 6713
~~all-purpose, all-terrain vehicle, snowmobile, utility vehicle,~~ 6714
~~or mini-truck transfers~~ by operation of law, as upon 6715
inheritance, devise, bequest, order in bankruptcy, insolvency, 6716
replevin, or execution of sale, or when repossession is had upon 6717
default in performance of the terms of a security agreement as 6718
provided in Chapter 1309. of the Revised Code, ~~a~~. 6719

(B) A clerk of a court of common pleas, upon the may 6720
issue to an applicant a certificate of title to an off-highway 6721
motorcycle, an all-terrain vehicle, a snowmobile, a utility 6722
vehicle, or a mini-truck after all of the following occur: 6723

(1) The surrender of the prior certificate of title or the 6724
manufacturer's or importer's certificate, if any, or, when that 6725
is not possible, upon presentation to the clerk of satisfactory 6726
proof of ownership and rights of possession to the ~~off-highway~~ 6727
motorcycle or ~~all-purpose vehicle, and upon;~~ 6728

(2) The payment of the fee prescribed in section 4519.59 6729
of the Revised Code ~~and;~~ 6730

(3) The presentation of an a completed application for 6731
certificate of title, ~~may issue to the applicant a certificate~~ 6732
~~of title to the off-highway motorcycle or all-purpose vehicle.~~ 6733
~~Only~~ 6734

(C) Only an affidavit by the person or agent of the person 6735

to whom possession of the ~~off-highway~~ motorcycle or ~~all-purpose~~ 6736
vehicle has passed, setting forth the facts entitling the person 6737
to the possession and ownership, together with a copy of the 6738
journal entry, court order, or instrument upon which the claim 6739
of possession and ownership is founded, is satisfactory proof of 6740
ownership and right of possession. If the applicant cannot 6741
produce that proof of ownership, the applicant may apply 6742
directly to the registrar of motor vehicles and submit the 6743
applicant's evidence the applicant has, and the of ownership. 6744
The registrar, upon finding the evidence sufficient, may 6745
authorize the clerk to issue a certificate of title. If, from 6746
the records in the office of the clerk, there appears to be any 6747
lien on the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle, the 6748
certificate of title shall contain a statement of the lien 6749
unless the application is accompanied by proper evidence of its 6750
extinction. 6751

~~(B)-(D)~~ Upon the death of one of the persons who have 6752
established joint ownership with right of survivorship under 6753
section 2131.12 of the Revised Code in an off-highway motorcycle 6754
~~or all-purpose~~, all-terrain vehicle, snowmobile, utility 6755
vehicle, or mini-truck and the presentation to the clerk of the 6756
title and the certificate of death of the deceased person, the 6757
clerk shall enter into the records the transfer of the ~~off-~~ 6758
~~highway~~ motorcycle or ~~all-purpose~~ vehicle to the surviving 6759
person, ~~and the~~. The title to the ~~off-highway~~ motorcycle or 6760
~~all-purpose~~ vehicle immediately passes to the surviving person. 6761
The transfer does not affect any liens on the ~~off-highway~~ 6762
motorcycle or ~~all-purpose~~ vehicle. 6763

~~(C)-(E)~~ Upon the death of an owner of an off-highway 6764
motorcycle ~~or all-purpose~~, all-terrain vehicle, snowmobile, 6765
utility vehicle, or mini-truck designated in beneficiary form 6766

under section 2131.13 of the Revised Code, upon application of 6767
the transfer-on-death beneficiary or beneficiaries designated 6768
pursuant to that section, and upon presentation to the clerk of 6769
the certificate of title and the certificate of death of the 6770
deceased owner, the clerk shall transfer the ~~off-highway~~ 6771
motorcycle or ~~all-purpose~~ vehicle and issue a certificate of 6772
title to the transfer-on-death beneficiary or beneficiaries. The 6773
transfer does not affect any liens upon any ~~off-highway~~ 6774
motorcycle or ~~all-purpose~~ vehicle so transferred. 6775

Sec. 4519.61. (A) Each owner of an off-highway motorcycle 6776
~~or all-purpose~~, all-terrain vehicle, snowmobile, utility 6777
vehicle, or mini-truck and each person mentioned as owner in the 6778
last certificate of title, when ~~the off-highway that~~ motorcycle 6779
or ~~all-purpose~~ vehicle is dismantled, destroyed, or changed in 6780
such manner that it loses its character as ~~an off-highway the~~ 6781
original motorcycle or all-purpose vehicle titled, or changed in 6782
such manner that it is not the ~~off-highway~~ motorcycle or ~~all-~~ 6783
~~purpose~~ vehicle described in the certificate of title, shall 6784
surrender the certificate of title to a clerk of a court of 6785
common pleas, ~~and the~~. The clerk, with the consent of the 6786
holders of any liens noted on the certificate of title, then 6787
shall enter a cancellation upon the clerk's records and shall 6788
notify the registrar of motor vehicles of the cancellation. 6789

Upon the cancellation of a certificate of title in the 6790
manner prescribed by this section, any clerk and the registrar 6791
may cancel and destroy all certificates and all memorandum 6792
certificates in that chain of title. 6793

(B) If an Ohio certificate of title or salvage certificate 6794
of title to an off-highway motorcycle ~~or all-purpose~~, all- 6795
terrain vehicle, snowmobile, utility vehicle, or mini-truck is 6796

assigned to a salvage dealer, the dealer shall not be required 6797
to obtain an Ohio certificate of title or a salvage certificate 6798
of title to the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle in 6799
the dealer's own name if the dealer ~~dismantles~~ does all of the 6800
following: 6801

(1) Dismantles or destroys the ~~off-highway~~ motorcycle or 6802
~~all-purpose~~ vehicle, ~~completes~~; 6803

(2) Completes the assignment on the certificate of title 6804
or salvage certificate of title, ~~indicates~~; 6805

(3) Indicates the number of the dealer's motor vehicle 6806
salvage dealer's license on it, ~~marks~~; 6807

(4) Marks "FOR DESTRUCTION" across the face of the 6808
certificate of title or salvage certificate of title, ~~and~~ 6809
~~surrenders~~; 6810

(5) Surrenders the certificate of title or salvage 6811
certificate of title to a clerk of a court of common pleas as 6812
provided in division (A) of this section. ~~If~~ 6813

If the salvage dealer retains the ~~off-highway~~ motorcycle 6814
or ~~all-purpose~~ vehicle for resale, the salvage dealer shall make 6815
application for a salvage certificate of title to the ~~off-~~ 6816
~~highway~~ motorcycle or ~~all-purpose~~ vehicle in the salvage 6817
dealer's own name as provided in division (C) (1) of this 6818
section. 6819

(C) (1) When an insurance company declares it economically 6820
impractical to repair the off-highway motorcycle ~~or all-purpose~~ 6821
, all-terrain vehicle, snowmobile, utility vehicle, or mini- 6822
truck, and has paid an agreed price for the purchase of the ~~off-~~ 6823
~~highway~~ motorcycle or ~~all-purpose~~ vehicle to any insured or 6824
claimant owner, the insurance company shall receive the 6825

certificate of title and ~~off-highway~~ motorcycle or ~~all-purpose~~ 6826
vehicle and proceed as follows. Within thirty days, the 6827
insurance company shall deliver the certificate of title to a 6828
clerk of a court of common pleas and shall make application for 6829
a salvage certificate of title. The clerk shall issue the 6830
salvage certificate of title on a form, prescribed by the 6831
registrar, that shall be easily distinguishable from the 6832
original certificate of title and shall ~~bear~~ display the same 6833
information as the original certificate of title except that it 6834
may ~~bear~~ display a different number from that of the original 6835
certificate of title. Except as provided in division (C) (2) of 6836
this section, the salvage certificate of title shall be assigned 6837
by the insurance company to a salvage dealer or any other person 6838
for use as evidence of ownership upon the sale or other 6839
disposition of the ~~off-highway~~ motorcycle or ~~all-purpose~~ 6840
vehicle, and the salvage certificate of title shall be 6841
transferable to any other person. The clerk of the court of 6842
common pleas shall charge a fee of four dollars for the cost of 6843
processing each salvage certificate of title. 6844

(2) If an insurance company considers ~~an off-highway~~ the 6845
motorcycle or ~~all-purpose~~ vehicle as described in division (C) 6846
(1) of this section to be impossible to restore to normal 6847
operation, the insurance company may assign the certificate of 6848
title to the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle to a 6849
salvage dealer or scrap metal processing facility and send the 6850
assigned certificate of title to the clerk of the court of 6851
common pleas of any county. The insurance company shall mark the 6852
face of the certificate of title "FOR DESTRUCTION" and shall 6853
deliver a photocopy of the certificate of title to the salvage 6854
dealer or scrap metal processing facility for its records. 6855

(3) If an insurance company declares it economically 6856

impractical to repair ~~an off-highway~~ the motorcycle or ~~all-~~ 6857
~~purpose~~ vehicle, agrees to pay to the insured or claimant owner 6858
an amount in settlement of a claim against a policy of motor 6859
vehicle insurance covering the ~~off-highway~~ motorcycle or ~~all-~~ 6860
~~purpose~~ vehicle, and agrees to permit the insured or claimant 6861
owner to retain possession of the ~~off-highway~~ motorcycle or ~~all-~~ 6862
~~purpose~~ vehicle, the insurance company shall not pay the insured 6863
or claimant owner any amount in settlement of the insurance 6864
claim until the owner obtains a salvage certificate of title to 6865
the vehicle and furnishes a copy of the salvage certificate of 6866
title to the insurance company. 6867

(D) When a self-insured organization, rental or leasing 6868
company, or secured creditor becomes the owner of an off-highway 6869
motorcycle ~~or all-purpose~~, all-terrain vehicle, snowmobile, 6870
utility vehicle, or mini-truck that is burned, damaged, or 6871
dismantled and is determined to be economically impractical to 6872
repair, the self-insured organization, rental or leasing 6873
company, or secured creditor shall do one of the following: 6874

(1) Mark the face of the certificate of title to the ~~off-~~ 6875
~~highway~~ motorcycle or ~~all-purpose~~ vehicle "FOR DESTRUCTION" and 6876
surrender the certificate of title to a clerk of a court of 6877
common pleas for cancellation as described in division (A) of 6878
this section. The self-insured organization, rental or leasing 6879
company, or secured creditor then shall deliver the ~~off-highway-~~ 6880
motorcycle or ~~all-purpose~~ vehicle, together with a photocopy of 6881
the certificate of title, to a salvage dealer or scrap metal 6882
processing facility and shall cause the ~~off-highway~~ motorcycle 6883
or ~~all-purpose~~ vehicle to be dismantled, flattened, crushed, or 6884
destroyed. 6885

(2) Obtain a salvage certificate of title to the ~~off-~~ 6886

~~highway motorcycle or all-purpose vehicle~~ in the name of the 6887
self-insured organization, rental or leasing company, or secured 6888
creditor, as provided in division (C) (1) of this section, and 6889
then sell or otherwise dispose of the ~~off-highway motorcycle or~~ 6890
~~all-purpose vehicle~~. If the ~~off-highway motorcycle or all-~~ 6891
~~purpose vehicle~~ is sold, the self-insured organization, rental 6892
or leasing company, or secured creditor shall obtain a salvage 6893
certificate of title to the ~~off-highway motorcycle or all-~~ 6894
~~purpose vehicle~~ in the name of the purchaser from a clerk of a 6895
court of common pleas. 6896

(E) If an ~~off-highway motorcycle or all-purpose~~, all- 6897
terrain vehicle, snowmobile, utility vehicle, or mini-truck 6898
titled with a salvage certificate of title is restored for 6899
operation, application shall be made to a clerk of a court of 6900
common pleas for a certificate of title after inspection by the 6901
state highway patrol. The inspection shall include establishing 6902
proof of ownership and an inspection of the motor number and 6903
vehicle identification number of the ~~off-highway motorcycle or~~ 6904
~~all-purpose vehicle~~ and of documentation or receipts for the 6905
materials used in restoration by the owner of the ~~off-highway-~~ 6906
motorcycle or ~~all-purpose vehicle~~ being inspected, which 6907
documentation or receipts shall be presented at the time of 6908
inspection. Upon successful completion of the inspection, the 6909
state highway patrol shall issue to the owner a completed 6910
inspection form. The clerk, upon submission of the completed 6911
inspection form and surrender of the salvage certificate of 6912
title, shall issue a certificate of title for a fee prescribed 6913
by the registrar. The certificate of title shall be in the same 6914
form as the original certificate of title and shall bear the 6915
words "REBUILT SALVAGE" in black boldface letters on its face. 6916
Every subsequent certificate of title, memorandum certificate of 6917

title, or certified copy of a certificate of title or memorandum 6918
certificate of title issued for the ~~off-highway~~ motorcycle or 6919
~~all-purpose~~ vehicle also shall bear the words "REBUILT SALVAGE" 6920
in black boldface letters on its face. The exact location on the 6921
face of the certificate of title of the words "REBUILT SALVAGE" 6922
shall be determined by the registrar, who shall develop an 6923
automated procedure within the automated title processing system 6924
to comply with this division. The clerk shall use reasonable 6925
care in performing the duties imposed on the clerk by this 6926
division in issuing a certificate of title pursuant to this 6927
division, but the clerk is not liable for errors or omissions of 6928
the clerk of courts, the clerk's deputies, or the automated 6929
title processing system in the performance of such duties. A fee 6930
of fifty dollars shall be assessed by the state highway patrol 6931
for each inspection made pursuant to this division. 6932

(F) No ~~off-highway motorcycle or all-purpose~~, all-terrain 6933
vehicle, snowmobile, utility vehicle, or mini-truck the 6934
certificate of title to which has been marked "FOR DESTRUCTION" 6935
and surrendered to a clerk of a court of common pleas shall be 6936
used for anything except parts and scrap metal. 6937

Sec. 4519.62. In the event of a lost or destroyed 6938
certificate of title, application shall be made to a clerk of a 6939
court of common pleas, by the owner of the off-highway 6940
~~motorcycle or all-purpose~~, all-terrain vehicle, snowmobile, 6941
utility vehicle, or mini-truck, or the holder of a lien on it, 6942
for a certified copy of the certificate, upon a form prescribed 6943
by the registrar of motor vehicles and accompanied by the fee 6944
prescribed by section 4519.59 of the Revised Code. The 6945
application shall be signed and sworn to by the person making 6946
the application, and the clerk shall issue a certified copy of 6947
the certificate of title to the person entitled to receive it 6948

under this chapter. The certified copy shall be plainly marked 6949
across its face with the word "duplicate," and any subsequent 6950
purchaser of the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle 6951
in the chain of title originating through the certified copy 6952
acquires only such rights in the ~~off-highway~~ motorcycle or ~~all-~~ 6953
~~purpose~~ vehicle as the original holder of the certified copy 6954
had. Any purchaser of the ~~off-highway~~ motorcycle or ~~all-purpose~~ 6955
vehicle, at the time of purchase, may require the seller of the 6956
same to indemnify the purchaser and all subsequent purchasers of 6957
the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle against any 6958
loss that the purchaser or subsequent purchasers may suffer by 6959
reason of any claim presented upon the original certificate. In 6960
the event of the recovery of the original certificate of title 6961
by the owner, the owner shall surrender it immediately to the 6962
clerk for cancellation. 6963

The holder of a certificate of title for an off-highway 6964
motorcycle ~~or all-purpose~~, all-terrain vehicle, snowmobile, 6965
utility vehicle, or mini-truck upon which is noted an existing 6966
lien, encumbrance, or mortgage, may make application at any time 6967
to a clerk for a memorandum certificate, which application shall 6968
be made in the form prescribed by the registrar and signed and 6969
sworn to by the applicant. Upon receipt of the application, if 6970
it appears to be correct, together with the fee prescribed by 6971
section 4519.59 of the Revised Code, the clerk shall issue to 6972
the applicant a memorandum certificate for the ~~off-highway~~ 6973
motorcycle or ~~all-purpose~~ vehicle. If the memorandum certificate 6974
is lost or destroyed, the holder of it may obtain a certified 6975
copy of it upon the filing of an application with the clerk on a 6976
form prescribed by the registrar, accompanied by the fee 6977
prescribed in section 4519.59 of the Revised Code. The 6978
memorandum certificate is not assignable and constitutes no 6979

evidence of title or of right to transfer or encumber the ~~off-~~ 6980
~~highway~~ motorcycle or ~~all-purpose~~ vehicle described in it. 6981

Sec. 4519.63. (A) The registrar of motor vehicles or the 6982
clerk of the court of common pleas, upon the application of any 6983
person and payment of the proper fee, may prepare and furnish 6984
title information regarding off-highway motorcycles ~~and all-~~ 6985
~~purpose~~, all-terrain vehicles, snowmobiles, utility vehicles, 6986
and mini-trucks in the form and subject to any territorial 6987
division or other classification as they may direct. The 6988
registrar or the clerk may search the records of the bureau of 6989
motor vehicles regarding ~~off-highway~~ those motorcycles and ~~all-~~ 6990
~~purpose~~ vehicles and furnish reports of those records under the 6991
signature of the registrar or the clerk. 6992

(B) (1) Fees for lists containing title information shall 6993
be charged and collected as follows: 6994

(a) For lists containing three thousand titles or more, 6995
twenty-five dollars per thousand or part thereof; 6996

(b) For each report of a search of the records, the fee is 6997
five dollars per copy. The registrar and clerk may certify 6998
copies of records generated by an automated title processing 6999
system. 7000

(2) A copy of any such report shall be taken as prima- 7001
facie evidence of the facts therein stated in any court of the 7002
state. The registrar and the clerk shall furnish information on 7003
any title without charge to state highway patrol troopers, 7004
sheriffs, chiefs of police, or the attorney general. The clerk 7005
also may provide a copy of a certificate of title to a public 7006
agency without charge. 7007

(C) (1) Those fees collected by the registrar as provided 7008

in division (B) (1) (a) of this section shall be paid to the 7009
treasurer of state to the credit of the public safety - highway 7010
purposes fund established in section 4501.06 of the Revised 7011
Code. Those fees collected by the clerk as provided in division 7012
(B) (1) (a) of this section shall be paid to the certificate of 7013
title administration fund created by section 325.33 of the 7014
Revised Code. 7015

(2) The registrar shall pay each five-dollar fee the 7016
registrar collects under division (B) (1) (b) of this section into 7017
the state treasury to the credit of the public safety - highway 7018
purposes fund established in section 4501.06 of the Revised 7019
Code. 7020

(3) The clerk of the court of common pleas shall retain 7021
two dollars of each fee the clerk collects under division (B) (1) 7022
(b) of this section and deposit that two dollars into the 7023
certificate of title administration fund created by section 7024
325.33 of the Revised Code. The clerk shall forward the 7025
remaining three dollars to the registrar not later than the 7026
fifth day of the month next succeeding that in which the 7027
transaction occurred. The registrar shall deposit the three- 7028
dollar portion of each fee into the state treasury to the credit 7029
of the public safety - highway purposes fund established in 7030
section 4501.06 of the Revised Code. 7031

Sec. 4519.631. The registrar of motor vehicles shall 7032
enable the public to access off-highway motorcycle ~~and all-~~ 7033
~~purpose,~~ all-terrain vehicle, snowmobile, utility vehicle, and 7034
mini-truck title information via electronic means. No fee shall 7035
be charged for this access. The title information that must be 7036
so accessible is only the title information that is in an 7037
electronic format at the time a person requests this access. 7038

The registrar shall establish procedures governing this 7039
access. The procedures may be established by rule in accordance 7040
with Chapter 119. of the Revised Code. In adopting the rules, 7041
the registrar shall confer with the clerks of the courts of 7042
common pleas. 7043

Access by the public to ~~off-highway~~ the motorcycle and 7044
~~all-purpose~~ vehicle title information under this section shall 7045
comply with all restrictions contained in the Revised Code and 7046
federal law that govern the disclosure of that information. 7047

Sec. 4519.64. Manufacturers and importers of off-highway 7048
motorcycles or ~~all-purpose~~ all-terrain vehicles shall appoint 7049
and authorize agents who shall sign manufacturer's or importer's 7050
certificates. The registrar of motor vehicles may require that a 7051
certified copy of a list containing the names and the facsimile 7052
signatures of the authorized agents be furnished to the 7053
registrar and be forwarded to each clerk of the court of common 7054
pleas in the respective counties within the state, and the 7055
registrar may prescribe the form of authorization to be used by 7056
the manufacturers or importers and the method of certification 7057
of the names of the agents. 7058

Sec. 4519.65. The clerk of the court of common pleas and 7059
the clerk's deputies may administer oaths on any application or 7060
affidavit required or authorized by this chapter. 7061

Sec. 4519.66. (A) No person shall do any of the following: 7062

(1) Operate in this state an off-highway motorcycle ~~or~~ 7063
~~all-purpose~~, an all-terrain vehicle, a snowmobile, a utility 7064
vehicle, or a mini-truck without having a certificate of title 7065
for the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle, if such a 7066
certificate is required by this chapter to be issued for the 7067

~~off-highway motorcycle or all-purpose vehicle~~, or, if a physical
certificate of title has not been issued for it and a
certificate of title is required under this chapter for that
motorcycle or vehicle, operate an off-highway motorcycle ~~or all-~~
~~purpose~~, an all-terrain vehicle, a snowmobile, a utility
vehicle, or a mini-truck knowing that the ownership information
relating to the motorcycle or vehicle has not been entered into
the automated title processing system by a clerk of a court of
common pleas;

(2) Operate in this state an off-highway motorcycle ~~or~~
~~all-purpose~~, an all-terrain vehicle, a snowmobile, a utility
vehicle, or a mini-truck if a certificate of title to the ~~off-~~
~~highway motorcycle or all-purpose vehicle~~ has been issued and
then has been canceled;

(3) Fail to surrender any certificate of title upon
cancellation of it by the registrar of motor vehicles and notice
of the cancellation as prescribed in this chapter;

(4) Fail to surrender the certificate of title to a clerk
of a court of common pleas as provided in this chapter, in case
of the destruction or dismantling of, or change in, the off-
highway motorcycle ~~or all-purpose~~, all-terrain vehicle,
snowmobile, utility vehicle, or mini-truck described in the
certificate of title;

(5) Violate any provision of sections 4519.51 to 4519.70
of the Revised Code for which no penalty is otherwise provided
or any lawful rules adopted pursuant to those sections;

(6) Operate in this state an off-highway motorcycle ~~or~~
~~all-purpose~~, an all-terrain vehicle, a snowmobile, a utility
vehicle, or a mini-truck knowing that the certificate of title

to or ownership of the motorcycle or vehicle as otherwise 7097
reflected in the automated title processing system has been 7098
canceled. 7099

(B) Whoever violates this section shall be fined not more 7100
than two hundred dollars, imprisoned not more than ninety days, 7101
or both. 7102

Sec. 4519.67. (A) No person shall do any of the following: 7103

(1) Procure or attempt to procure a certificate of title 7104
to an off-highway motorcycle ~~or all purpose~~, an all-terrain 7105
vehicle, a snowmobile, a utility vehicle, or a mini-truck, or 7106
pass or attempt to pass a certificate of title or any assignment 7107
of a certificate of title to an off-highway motorcycle ~~or all-~~ 7108
~~purpose~~, an all-terrain vehicle, a snowmobile, a utility 7109
vehicle, or a mini-truck, or in any other manner gain or attempt 7110
to gain ownership to an off-highway motorcycle ~~or all purpose~~, 7111
an all-terrain vehicle, a snowmobile, a utility vehicle, or a 7112
mini-truck, knowing or having reason to believe that the ~~off-~~ 7113
~~highway~~ motorcycle or ~~all purpose~~ vehicle has been stolen; 7114

(2) Sell or offer for sale in this state an off-highway 7115
motorcycle ~~or all purpose~~, an all-terrain vehicle, a 7116
snowmobile, a utility vehicle, or a mini-truck on which the 7117
manufacturer's or assigned vehicle identification number has 7118
been destroyed, removed, covered, altered, or defaced with 7119
knowledge of the destruction, removal, covering, alteration, or 7120
defacement of the manufacturer's or assigned vehicle 7121
identification number; 7122

(3) Except as otherwise provided in this chapter, sell or 7123
transfer ~~an a titled off-highway motorcycle or all purpose~~, 7124
all-terrain vehicle, snowmobile, utility vehicle, or mini-truck 7125

without delivering to the purchaser or transferee of it a 7126
certificate of title, or a manufacturer's or importer's 7127
certificate to it, assigned to the purchaser as provided for in 7128
this chapter. 7129

(B) Whoever violates this section shall be fined not more 7130
than five thousand dollars, imprisoned in the county jail ~~or~~ 7131
~~workhouse~~ not less than six months nor more than one year or in 7132
~~the penitentiary~~ a state correctional institution not less than 7133
one year nor more than five years, or both. 7134

Sec. 4519.68. (A) (1) Chapter 1309. of the Revised Code 7135
does not permit or require the deposit, filing, or other record 7136
of a security interest covering an off-highway motorcycle ~~or~~ 7137
~~all-purpose~~, an all-terrain vehicle, a snowmobile, a utility 7138
vehicle, or a mini-truck, except as provided in division (A) (2) 7139
of this section. 7140

(2) Chapter 1309. of the Revised Code applies to a 7141
security interest in an off-highway motorcycle ~~or all-purpose~~, 7142
an all-terrain vehicle, a snowmobile, a utility vehicle, or a 7143
mini-truck held as inventory, as defined in section 1309.102 of 7144
the Revised Code, for sale by a dealer. The security interest 7145
has priority over creditors of the dealer as provided in Chapter 7146
1309. of the Revised Code without notation of the security 7147
interest on a certificate of title, without entry of a notation 7148
of the security interest into the automated title processing 7149
system if a physical certificate of title has not been issued, 7150
or without the retention of a manufacturer's or importer's 7151
certificate. 7152

(B) Subject to division (A) of this section, any security 7153
agreement covering a security interest in an off-highway 7154
motorcycle ~~or all-purpose~~, an all-terrain vehicle, a 7155

snowmobile, a utility vehicle, or a mini-truck, if a notation of 7156
the agreement has been made by a clerk of a court of common 7157
pleas on the face of the certificate of title or if the clerk 7158
has entered a notation of the agreement into the automated title 7159
processing system if a physical certificate of title has not 7160
been issued, is valid as against the creditors of the debtor, 7161
whether armed with process or not, and against subsequent 7162
purchasers, secured parties, and other lienholders or claimants. 7163
All security interests, liens, mortgages, and encumbrances 7164
entered into the automated title processing system in relation 7165
to a particular certificate of title, regardless of whether a 7166
physical certificate of title is issued, take priority according 7167
to the order of time in which they are entered into the 7168
automated title processing system by the clerk. Exposure for 7169
sale of any off-highway motorcycle ~~or all-purpose~~, all-terrain 7170
vehicle, snowmobile, utility vehicle, or mini-truck by its 7171
owner, with the knowledge or with the knowledge and consent of 7172
the holder of any security interest, lien, mortgage, or 7173
encumbrance on it, does not render the security interest, lien, 7174
mortgage, or encumbrance ineffective as against the creditors of 7175
the owner, or against holders of subsequent security interests, 7176
liens, mortgages, or encumbrances upon the ~~off-highway~~ 7177
motorcycle or ~~all-purpose~~ vehicle. 7178

The secured party, upon presentation of evidence of a 7179
security interest to a clerk of a court of common pleas, 7180
together with the certificate of title if a physical certificate 7181
of title for the off-highway motorcycle ~~or all-purpose~~, all- 7182
terrain vehicle, snowmobile, utility vehicle, or mini-truck 7183
exists, and the fee prescribed by section 4519.59 of the Revised 7184
Code, may have a notation of the security interest made. Unless 7185
the secured party specifically requests the clerk not to issue a 7186

physical certificate of title and instead to issue an electronic 7187
certificate of title, the clerk, over the clerk's signature and 7188
seal of office, shall issue a new original certificate of title 7189
from the automated title processing system that indicates the 7190
security interest and the date of the security interest. 7191

If a security interest is fully discharged as a result of 7192
its holder's receipt of good funds in the correct amount and if 7193
the holder holds a physical certificate of title, the holder 7194
shall note the discharge of the security interest over the 7195
holder's signature on the face of the certificate of title, or 7196
over the holder's signature on a form prescribed by the 7197
registrar of motor vehicles when there is no space for the 7198
discharge on the face of the certificate of title. Except as 7199
otherwise provided in this section, prior to delivering the 7200
certificate of title to the owner, the holder or the holder's 7201
agent shall convey the certificate of title or a separate sworn 7202
statement of the discharge of the security interest to a clerk. 7203
The conveyance shall occur not more than seven business days 7204
after the date good funds in the correct amount to discharge 7205
fully the security interest have been credited to an account of 7206
the holder, provided the holder has been provided accurate 7207
information concerning the off-highway motorcycle ~~or all purpose~~ 7208
, all-terrain vehicle, snowmobile, utility vehicle, or mini- 7209
truck. Conveyance of the certificate of title or separate sworn 7210
statement of the discharge within the required seven business 7211
days may be indicated by postmark or receipt by a clerk within 7212
that period. If the discharge of the security interest appears 7213
to be genuine, the clerk shall note the cancellation of the 7214
security interest on the face of the certificate of title, if it 7215
was so conveyed, and also shall note it in the automated title 7216
processing system. 7217

If a security interest is fully discharged as a result of 7218
its holder's receipt of good funds in the correct amount and the 7219
holder does not hold a physical certificate of title, when the 7220
holder notifies a clerk of the discharge of its security 7221
interest, the holder at that time also may request the clerk to 7222
issue a physical certificate of title to the off-highway 7223
~~motorcycle or all purpose~~, all-terrain vehicle, snowmobile, 7224
utility vehicle, or mini-truck. The request shall specify 7225
whether the clerk is to send the certificate of title directly 7226
to the owner or to the holder or the holder's agent for 7227
transmission to the owner. If such a request is made, the clerk 7228
shall issue a physical certificate of title and send it to the 7229
specified person. 7230

The clerk shall not honor such a request for a physical 7231
certificate of title if it is not made by the holder at the same 7232
time as the holder's notification to the clerk of the discharge 7233
of its security interest. 7234

(C) In all cases, a secured party may choose to present a 7235
clerk with evidence of a security interest via electronic means, 7236
and the clerk shall enter the security interest into the 7237
automated title processing system. A secured party also may 7238
choose to notify a clerk of the discharge of its security 7239
interest via electronic means, and the clerk shall enter the 7240
cancellation into the automated title processing system. 7241

(D) If a physical certificate of title has not been issued 7242
for an off-highway motorcycle ~~or all purpose~~, an all-terrain 7243
vehicle, a snowmobile, a utility vehicle, or a mini-truck and 7244
all the security interests relating to that motorcycle or 7245
vehicle have been discharged, the owner of the motorcycle or 7246
vehicle may obtain a physical certificate of title from the 7247

clerk of any court of common pleas upon payment of the fee 7248
specified in section 4519.59 of the Revised Code. 7249

(E) If a clerk of a court of common pleas, other than the 7250
clerk of the court of common pleas of the county in which the 7251
owner of an off-highway motorcycle ~~or all-purpose~~, an all- 7252
terrain vehicle, a snowmobile, a utility vehicle, or a mini- 7253
truck resides, enters a notation of the existence of, or the 7254
cancellation of, a security interest relating to the ~~off-highway~~ 7255
motorcycle or ~~all-purpose~~ vehicle, the clerk shall transmit the 7256
data relating to the notation to the automated title processing 7257
system. 7258

Sec. 4519.69. (A) If the application for a certificate of 7259
title refers to an off-highway motorcycle ~~or all-purpose~~, an 7260
all-terrain vehicle, a snowmobile, a utility vehicle, or a mini- 7261
truck last previously registered in another state, including 7262
when the motorcycle or vehicle was titled as an "off-road 7263
vehicle" in the other state, the application shall be 7264
accompanied by a physical inspection certificate ~~issued by the~~ . 7265
The department of public safety ~~verifying shall issue the~~ 7266
physical inspection certificate, which shall verify the make, 7267
year, series or model, if any, body type, and manufacturer's 7268
identification number of the off-highway motorcycle ~~or all-~~ 7269
~~purpose~~, all-terrain vehicle, snowmobile, utility vehicle, or 7270
mini-truck for which the certificate of title is desired. The 7271
physical inspection certificate shall be in such form as is 7272
designated by the registrar of motor vehicles. ~~The~~ 7273

(B) The physical inspection of the off-highway motorcycle 7274
~~or all-purpose~~, all-terrain vehicle, snowmobile, utility 7275
vehicle, or mini-truck shall be made at a deputy registrar's 7276
office, or at an established place of business operated by a 7277

licensed motor vehicle dealer. Additionally, the physical 7278
inspection of a salvage off-highway motorcycle ~~or all-purpose,~~ 7279
all-terrain vehicle, snowmobile, utility vehicle, or mini-truck 7280
owned by an insurance company may be made at an established 7281
place of business operated by a salvage motor vehicle dealer 7282
licensed under Chapter 4738. of the Revised Code. The deputy 7283
registrar, the motor vehicle dealer, or the salvage motor 7284
vehicle dealer may charge a maximum fee equal to the amount 7285
established under section 4503.038 of the Revised Code for 7286
conducting the physical inspection. 7287

(C) The clerk of the court of common pleas shall charge a 7288
fee of one dollar and fifty cents for the processing of each 7289
physical inspection certificate. The clerk shall retain fifty 7290
cents of the one dollar and fifty cents so charged and shall pay 7291
the remaining one dollar to the registrar by monthly returns, 7292
which shall be forwarded to the registrar not later than the 7293
fifth day of the month next succeeding that in which the 7294
certificate is received by the clerk. The registrar shall pay 7295
such remaining sums into the state treasury to the credit of the 7296
public safety - highway purposes fund established in section 7297
4501.06 of the Revised Code. 7298

Sec. 4519.70. (A) (1) No minor under eighteen years of age 7299
shall purchase or otherwise acquire an off-highway motorcycle ~~or~~ 7300
~~all-purpose,~~ an all-terrain vehicle, a snowmobile, a utility 7301
vehicle, or a mini-truck and obtain a certificate of title for 7302
the motorcycle or vehicle unless the application for the 7303
certificate of title is accompanied by a form prescribed by the 7304
registrar of motor vehicles that is signed by a parent of the 7305
minor, the minor's guardian, or other person having custody of 7306
the minor authorizing the purchase or acquisition of the ~~off-~~ 7307
~~highway motorcycle or all-purpose~~ vehicle. 7308

(2) No minor under eighteen years of age shall sell or otherwise dispose of an off-highway motorcycle ~~or all-purpose,~~ an all-terrain vehicle, a snowmobile, a utility vehicle, or a mini-truck for which a certificate of title has been issued under this chapter unless a parent of the minor, the minor's guardian, or other person having custody of the minor furnishes to the buyer or person acquiring the motorcycle or vehicle, at the time of the sale or disposition, a form prescribed by the registrar that is signed by the parent, guardian, or other person authorizing the sale or disposition of the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle.

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

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

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

(2) The registrar shall prescribe, by rule, the types of

identification that are acceptable for the purposes of division 7339
(B) of this section. If the adult who signed the form does not 7340
provide identification at the time of application to the clerk 7341
of court or to the dealer at the time of sale, disposition, 7342
purchase, or acquisition as required by this division, the 7343
application shall be refused. 7344

(C) No right, title, claim to, or interest in an off- 7345
highway motorcycle ~~or all purpose~~, an all-terrain vehicle, a 7346
snowmobile, a utility vehicle, or a mini-truck shall be acquired 7347
by or from a minor unless the application for a certificate of 7348
title for the motorcycle or vehicle is accompanied by the form 7349
required by this section. 7350

(D) No clerk of a court of common pleas shall be held 7351
liable in any civil action that arises under the law of this 7352
state for injury or loss to persons or property caused when a 7353
person has obtained a certificate of title in violation of this 7354
section, unless the clerk failed to use reasonable diligence in 7355
ascertaining the age of the minor or the identity of the adult 7356
who signed the form authorizing the sale, disposition, purchase, 7357
or acquisition of the off-highway motorcycle ~~or all purpose~~, all-terrain vehicle, snowmobile, utility vehicle, or mini-truck 7358
by the minor. 7359
7360

Sec. 4519.99. Unless otherwise specified, the offenses 7361
established under this chapter are strict liability offenses and 7362
section 2901.20 of the Revised Code does not apply. The 7363
designation of these offenses as strict liability offenses shall 7364
not be construed to imply that any other offense, for which 7365
there is no specified degree of culpability, is not a strict 7366
liability offense. 7367

Sec. 5553.044. In any proceeding on a petition or 7368

resolution to vacate a road which begins on a public road and 7369
ends on a public road, the board of county commissioners may 7370
determine the suitability of the road for public nonmotorized 7371
vehicular recreational use. Such uses include, but are not 7372
limited to, hiking, bicycling, horseback riding, and ski 7373
touring. They do not include use by motorcycles, snowmobiles, 7374
~~all purpose all-terrain~~ vehicles, or any other form of motorized 7375
vehicle. If the board finds that such uses will not unreasonably 7376
interfere with current land uses along the road, it may vacate 7377
the road subject to the preservation of a public right of way at 7378
least thirty feet wide within such roadway for such uses. 7379

Sec. 5739.02. For the purpose of providing revenue with 7380
which to meet the needs of the state, for the use of the general 7381
revenue fund of the state, for the purpose of securing a 7382
thorough and efficient system of common schools throughout the 7383
state, for the purpose of affording revenues, in addition to 7384
those from general property taxes, permitted under 7385
constitutional limitations, and from other sources, for the 7386
support of local governmental functions, and for the purpose of 7387
reimbursing the state for the expense of administering this 7388
chapter, an excise tax is hereby levied on each retail sale made 7389
in this state. 7390

(A) (1) The tax shall be collected as provided in section 7391
5739.025 of the Revised Code. The rate of the tax shall be five 7392
and three-fourths per cent. The tax applies and is collectible 7393
when the sale is made, regardless of the time when the price is 7394
paid or delivered. 7395

(2) In the case of the lease or rental, with a fixed term 7396
of more than thirty days or an indefinite term with a minimum 7397
period of more than thirty days, of any motor vehicles designed 7398

by the manufacturer to carry a load of not more than one ton, 7399
watercraft, outboard motor, or aircraft, or of any tangible 7400
personal property, other than motor vehicles designed by the 7401
manufacturer to carry a load of more than one ton, to be used by 7402
the lessee or renter primarily for business purposes, the tax 7403
shall be collected by the vendor at the time the lease or rental 7404
is consummated and shall be calculated by the vendor on the 7405
basis of the total amount to be paid by the lessee or renter 7406
under the lease agreement. If the total amount of the 7407
consideration for the lease or rental includes amounts that are 7408
not calculated at the time the lease or rental is executed, the 7409
tax shall be calculated and collected by the vendor at the time 7410
such amounts are billed to the lessee or renter. In the case of 7411
an open-end lease or rental, the tax shall be calculated by the 7412
vendor on the basis of the total amount to be paid during the 7413
initial fixed term of the lease or rental, and for each 7414
subsequent renewal period as it comes due. As used in this 7415
division, "motor vehicle" has the same meaning as in section 7416
4501.01 of the Revised Code, and "watercraft" includes an 7417
outdrive unit attached to the watercraft. 7418

A lease with a renewal clause and a termination penalty or 7419
similar provision that applies if the renewal clause is not 7420
exercised is presumed to be a sham transaction. In such a case, 7421
the tax shall be calculated and paid on the basis of the entire 7422
length of the lease period, including any renewal periods, until 7423
the termination penalty or similar provision no longer applies. 7424
The taxpayer shall bear the burden, by a preponderance of the 7425
evidence, that the transaction or series of transactions is not 7426
a sham transaction. 7427

(3) Except as provided in division (A) (2) of this section, 7428
in the case of a sale, the price of which consists in whole or 7429

in part of the lease or rental of tangible personal property, 7430
the tax shall be measured by the installments of that lease or 7431
rental. 7432

(4) In the case of a sale of a physical fitness facility 7433
service or recreation and sports club service, the price of 7434
which consists in whole or in part of a membership for the 7435
receipt of the benefit of the service, the tax applicable to the 7436
sale shall be measured by the installments thereof. 7437

(B) The tax does not apply to the following: 7438

(1) Sales to the state or any of its political 7439
subdivisions, or to any other state or its political 7440
subdivisions if the laws of that state exempt from taxation 7441
sales made to this state and its political subdivisions; 7442

(2) Sales of food for human consumption off the premises 7443
where sold; 7444

(3) Sales of food sold to students only in a cafeteria, 7445
dormitory, fraternity, or sorority maintained in a private, 7446
public, or parochial school, college, or university; 7447

(4) Sales of newspapers and sales or transfers of 7448
magazines distributed as controlled circulation publications; 7449

(5) The furnishing, preparing, or serving of meals without 7450
charge by an employer to an employee provided the employer 7451
records the meals as part compensation for services performed or 7452
work done; 7453

(6) (a) Sales of motor fuel upon receipt, use, 7454
distribution, or sale of which in this state a tax is imposed by 7455
the law of this state, but this exemption shall not apply to the 7456
sale of motor fuel on which a refund of the tax is allowable 7457

under division (A) of section 5735.14 of the Revised Code; and 7458
the tax commissioner may deduct the amount of tax levied by this 7459
section applicable to the price of motor fuel when granting a 7460
refund of motor fuel tax pursuant to division (A) of section 7461
5735.14 of the Revised Code and shall cause the amount deducted 7462
to be paid into the general revenue fund of this state; 7463

(b) Sales of motor fuel other than that described in 7464
division (B) (6) (a) of this section and used for powering a 7465
refrigeration unit on a vehicle other than one used primarily to 7466
provide comfort to the operator or occupants of the vehicle. 7467

(7) Sales of natural gas by a natural gas company or 7468
municipal gas utility, of water by a water-works company, or of 7469
steam by a heating company, if in each case the thing sold is 7470
delivered to consumers through pipes or conduits, and all sales 7471
of communications services by a telegraph company, all terms as 7472
defined in section 5727.01 of the Revised Code, and sales of 7473
electricity delivered through wires; 7474

(8) Casual sales by a person, or auctioneer employed 7475
directly by the person to conduct such sales, except as to such 7476
sales of motor vehicles, watercraft or outboard motors required 7477
to be titled under section 1548.06 of the Revised Code, 7478
watercraft documented with the United States coast guard, 7479
snowmobiles, and ~~all-purpose~~ all-terrain vehicles as defined in 7480
section 4519.01 of the Revised Code; 7481

(9) (a) Sales of services or tangible personal property, 7482
other than motor vehicles, mobile homes, and manufactured homes, 7483
by churches, organizations exempt from taxation under section 7484
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 7485
organizations operated exclusively for charitable purposes as 7486
defined in division (B) (12) of this section, provided that the 7487

number of days on which such tangible personal property or 7488
services, other than items never subject to the tax, are sold 7489
does not exceed six in any calendar year, except as otherwise 7490
provided in division (B) (9) (b) of this section. If the number of 7491
days on which such sales are made exceeds six in any calendar 7492
year, the church or organization shall be considered to be 7493
engaged in business and all subsequent sales by it shall be 7494
subject to the tax. In counting the number of days, all sales by 7495
groups within a church or within an organization shall be 7496
considered to be sales of that church or organization. 7497

(b) The limitation on the number of days on which tax- 7498
exempt sales may be made by a church or organization under 7499
division (B) (9) (a) of this section does not apply to sales made 7500
by student clubs and other groups of students of a primary or 7501
secondary school, or a parent-teacher association, booster 7502
group, or similar organization that raises money to support or 7503
fund curricular or extracurricular activities of a primary or 7504
secondary school. 7505

(c) Divisions (B) (9) (a) and (b) of this section do not 7506
apply to sales by a noncommercial educational radio or 7507
television broadcasting station. 7508

(10) Sales not within the taxing power of this state under 7509
the Constitution or laws of the United States or the 7510
Constitution of this state; 7511

(11) Except for transactions that are sales under division 7512
(B) (3) (p) of section 5739.01 of the Revised Code, the 7513
transportation of persons or property, unless the transportation 7514
is by a private investigation and security service; 7515

(12) Sales of tangible personal property or services to 7516

churches, to organizations exempt from taxation under section 7517
501(c) (3) of the Internal Revenue Code of 1986, and to any other 7518
nonprofit organizations operated exclusively for charitable 7519
purposes in this state, no part of the net income of which 7520
inures to the benefit of any private shareholder or individual, 7521
and no substantial part of the activities of which consists of 7522
carrying on propaganda or otherwise attempting to influence 7523
legislation; sales to offices administering one or more homes 7524
for the aged or one or more hospital facilities exempt under 7525
section 140.08 of the Revised Code; and sales to organizations 7526
described in division (D) of section 5709.12 of the Revised 7527
Code. 7528

"Charitable purposes" means the relief of poverty; the 7529
improvement of health through the alleviation of illness, 7530
disease, or injury; the operation of an organization exclusively 7531
for the provision of professional, laundry, printing, and 7532
purchasing services to hospitals or charitable institutions; the 7533
operation of a home for the aged, as defined in section 5701.13 7534
of the Revised Code; the operation of a radio or television 7535
broadcasting station that is licensed by the federal 7536
communications commission as a noncommercial educational radio 7537
or television station; the operation of a nonprofit animal 7538
adoption service or a county humane society; the promotion of 7539
education by an institution of learning that maintains a faculty 7540
of qualified instructors, teaches regular continuous courses of 7541
study, and confers a recognized diploma upon completion of a 7542
specific curriculum; the operation of a parent-teacher 7543
association, booster group, or similar organization primarily 7544
engaged in the promotion and support of the curricular or 7545
extracurricular activities of a primary or secondary school; the 7546
operation of a community or area center in which presentations 7547

in music, dramatics, the arts, and related fields are made in 7548
order to foster public interest and education therein; the 7549
production of performances in music, dramatics, and the arts; or 7550
the promotion of education by an organization engaged in 7551
carrying on research in, or the dissemination of, scientific and 7552
technological knowledge and information primarily for the 7553
public. 7554

Nothing in this division shall be deemed to exempt sales 7555
to any organization for use in the operation or carrying on of a 7556
trade or business, or sales to a home for the aged for use in 7557
the operation of independent living facilities as defined in 7558
division (A) of section 5709.12 of the Revised Code. 7559

(13) Building and construction materials and services sold 7560
to construction contractors for incorporation into a structure 7561
or improvement to real property under a construction contract 7562
with this state or a political subdivision of this state, or 7563
with the United States government or any of its agencies; 7564
building and construction materials and services sold to 7565
construction contractors for incorporation into a structure or 7566
improvement to real property that are accepted for ownership by 7567
this state or any of its political subdivisions, or by the 7568
United States government or any of its agencies at the time of 7569
completion of the structures or improvements; building and 7570
construction materials sold to construction contractors for 7571
incorporation into a horticulture structure or livestock 7572
structure for a person engaged in the business of horticulture 7573
or producing livestock; building materials and services sold to 7574
a construction contractor for incorporation into a house of 7575
public worship or religious education, or a building used 7576
exclusively for charitable purposes under a construction 7577
contract with an organization whose purpose is as described in 7578

division (B) (12) of this section; building materials and 7579
services sold to a construction contractor for incorporation 7580
into a building under a construction contract with an 7581
organization exempt from taxation under section 501(c) (3) of the 7582
Internal Revenue Code of 1986 when the building is to be used 7583
exclusively for the organization's exempt purposes; building and 7584
construction materials sold for incorporation into the original 7585
construction of a sports facility under section 307.696 of the 7586
Revised Code; building and construction materials and services 7587
sold to a construction contractor for incorporation into real 7588
property outside this state if such materials and services, when 7589
sold to a construction contractor in the state in which the real 7590
property is located for incorporation into real property in that 7591
state, would be exempt from a tax on sales levied by that state; 7592
building and construction materials for incorporation into a 7593
transportation facility pursuant to a public-private agreement 7594
entered into under sections 5501.70 to 5501.83 of the Revised 7595
Code; until one calendar year after the construction of a 7596
convention center that qualifies for property tax exemption 7597
under section 5709.084 of the Revised Code is completed, 7598
building and construction materials and services sold to a 7599
construction contractor for incorporation into the real property 7600
comprising that convention center; and building and construction 7601
materials sold for incorporation into a structure or improvement 7602
to real property that is used primarily as, or primarily in 7603
support of, a manufacturing facility or research and development 7604
facility and that is to be owned by a megaproject operator upon 7605
completion and located at the site of a megaproject that 7606
satisfies the criteria described in division (A) (11) (a) (ii) of 7607
section 122.17 of the Revised Code, provided that the sale 7608
occurs during the period that the megaproject operator has an 7609
agreement for such megaproject with the tax credit authority 7610

under division (D) of section 122.17 of the Revised Code that 7611
remains in effect and has not expired or been terminated. 7612

(14) Sales of ships or vessels or rail rolling stock used 7613
or to be used principally in interstate or foreign commerce, and 7614
repairs, alterations, fuel, and lubricants for such ships or 7615
vessels or rail rolling stock; 7616

(15) Sales to persons primarily engaged in any of the 7617
activities mentioned in division (B) (42) (a), (g), or (h) of this 7618
section, to persons engaged in making retail sales, or to 7619
persons who purchase for sale from a manufacturer tangible 7620
personal property that was produced by the manufacturer in 7621
accordance with specific designs provided by the purchaser, of 7622
packages, including material, labels, and parts for packages, 7623
and of machinery, equipment, and material for use primarily in 7624
packaging tangible personal property produced for sale, 7625
including any machinery, equipment, and supplies used to make 7626
labels or packages, to prepare packages or products for 7627
labeling, or to label packages or products, by or on the order 7628
of the person doing the packaging, or sold at retail. "Packages" 7629
includes bags, baskets, cartons, crates, boxes, cans, bottles, 7630
bindings, wrappings, and other similar devices and containers, 7631
but does not include motor vehicles or bulk tanks, trailers, or 7632
similar devices attached to motor vehicles. "Packaging" means 7633
placing in a package. Division (B) (15) of this section does not 7634
apply to persons engaged in highway transportation for hire. 7635

(16) Sales of food to persons using supplemental nutrition 7636
assistance program benefits to purchase the food. As used in 7637
this division, "food" has the same meaning as in 7 U.S.C. 2012 7638
and federal regulations adopted pursuant to the Food and 7639
Nutrition Act of 2008. 7640

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption primarily in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption primarily in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs for a human being that may be dispensed only pursuant to a prescription; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased by hospitals, nursing homes, or other medical facilities; and medical oxygen and medical oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities;

(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.

(20) Sales of emergency and fire protection vehicles and

equipment to nonprofit organizations for use solely in providing 7671
fire protection and emergency services, including trauma care 7672
and emergency medical services, for political subdivisions of 7673
the state; 7674

(21) Sales of tangible personal property manufactured in 7675
this state, if sold by the manufacturer in this state to a 7676
retailer for use in the retail business of the retailer outside 7677
of this state and if possession is taken from the manufacturer 7678
by the purchaser within this state for the sole purpose of 7679
immediately removing the same from this state in a vehicle owned 7680
by the purchaser; 7681

(22) Sales of services provided by the state or any of its 7682
political subdivisions, agencies, instrumentalities, 7683
institutions, or authorities, or by governmental entities of the 7684
state or any of its political subdivisions, agencies, 7685
instrumentalities, institutions, or authorities; 7686

(23) Sales of motor vehicles to nonresidents of this state 7687
under the circumstances described in division (B) of section 7688
5739.029 of the Revised Code; 7689

(24) Sales to persons engaged in the preparation of eggs 7690
for sale of tangible personal property used or consumed directly 7691
in such preparation, including such tangible personal property 7692
used for cleaning, sanitizing, preserving, grading, sorting, and 7693
classifying by size; packages, including material and parts for 7694
packages, and machinery, equipment, and material for use in 7695
packaging eggs for sale; and handling and transportation 7696
equipment and parts therefor, except motor vehicles licensed to 7697
operate on public highways, used in intraplant or interplant 7698
transfers or shipment of eggs in the process of preparation for 7699
sale, when the plant or plants within or between which such 7700

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| transfers or shipments occur are operated by the same person. | 7701 |
| "Packages" includes containers, cases, baskets, flats, fillers, | 7702 |
| filler flats, cartons, closure materials, labels, and labeling | 7703 |
| materials, and "packaging" means placing therein. | 7704 |
| (25) (a) Sales of water to a consumer for residential use; | 7705 |
| (b) Sales of water by a nonprofit corporation engaged | 7706 |
| exclusively in the treatment, distribution, and sale of water to | 7707 |
| consumers, if such water is delivered to consumers through pipes | 7708 |
| or tubing. | 7709 |
| (26) Fees charged for inspection or reinspection of motor | 7710 |
| vehicles under section 3704.14 of the Revised Code; | 7711 |
| (27) Sales to persons licensed to conduct a food service | 7712 |
| operation pursuant to section 3717.43 of the Revised Code, of | 7713 |
| tangible personal property primarily used directly for the | 7714 |
| following: | 7715 |
| (a) To prepare food for human consumption for sale; | 7716 |
| (b) To preserve food that has been or will be prepared for | 7717 |
| human consumption for sale by the food service operator, not | 7718 |
| including tangible personal property used to display food for | 7719 |
| selection by the consumer; | 7720 |
| (c) To clean tangible personal property used to prepare or | 7721 |
| serve food for human consumption for sale. | 7722 |
| (28) Sales of animals by nonprofit animal adoption | 7723 |
| services or county humane societies; | 7724 |
| (29) Sales of services to a corporation described in | 7725 |
| division (A) of section 5709.72 of the Revised Code, and sales | 7726 |
| of tangible personal property that qualifies for exemption from | 7727 |
| taxation under section 5709.72 of the Revised Code; | 7728 |

(30) Sales and installation of agricultural land tile, as 7729
defined in division (B) (5) (a) of section 5739.01 of the Revised 7730
Code; 7731

(31) Sales and erection or installation of portable grain 7732
bins, as defined in division (B) (5) (b) of section 5739.01 of the 7733
Revised Code; 7734

(32) The sale, lease, repair, and maintenance of, parts 7735
for, or items attached to or incorporated in, motor vehicles 7736
that are primarily used for transporting tangible personal 7737
property belonging to others by a person engaged in highway 7738
transportation for hire, except for packages and packaging used 7739
for the transportation of tangible personal property; 7740

(33) Sales to the state headquarters of any veterans' 7741
organization in this state that is either incorporated and 7742
issued a charter by the congress of the United States or is 7743
recognized by the United States veterans administration, for use 7744
by the headquarters; 7745

(34) Sales to a telecommunications service vendor, mobile 7746
telecommunications service vendor, or satellite broadcasting 7747
service vendor of tangible personal property and services used 7748
directly and primarily in transmitting, receiving, switching, or 7749
recording any interactive, one- or two-way electromagnetic 7750
communications, including voice, image, data, and information, 7751
through the use of any medium, including, but not limited to, 7752
poles, wires, cables, switching equipment, computers, and record 7753
storage devices and media, and component parts for the tangible 7754
personal property. The exemption provided in this division shall 7755
be in lieu of all other exemptions under division (B) (42) (a) or 7756
(n) of this section to which the vendor may otherwise be 7757
entitled, based upon the use of the thing purchased in providing 7758

the telecommunications, mobile telecommunications, or satellite 7759
broadcasting service. 7760

(35) (a) Sales where the purpose of the consumer is to use 7761
or consume the things transferred in making retail sales and 7762
consisting of newspaper inserts, catalogues, coupons, flyers, 7763
gift certificates, or other advertising material that prices and 7764
describes tangible personal property offered for retail sale. 7765

(b) Sales to direct marketing vendors of preliminary 7766
materials such as photographs, artwork, and typesetting that 7767
will be used in printing advertising material; and of printed 7768
matter that offers free merchandise or chances to win sweepstake 7769
prizes and that is mailed to potential customers with 7770
advertising material described in division (B) (35) (a) of this 7771
section; 7772

(c) Sales of equipment such as telephones, computers, 7773
facsimile machines, and similar tangible personal property 7774
primarily used to accept orders for direct marketing retail 7775
sales. 7776

(d) Sales of automatic food vending machines that preserve 7777
food with a shelf life of forty-five days or less by 7778
refrigeration and dispense it to the consumer. 7779

For purposes of division (B) (35) of this section, "direct 7780
marketing" means the method of selling where consumers order 7781
tangible personal property by United States mail, delivery 7782
service, or telecommunication and the vendor delivers or ships 7783
the tangible personal property sold to the consumer from a 7784
warehouse, catalogue distribution center, or similar fulfillment 7785
facility by means of the United States mail, delivery service, 7786
or common carrier. 7787

(36) Sales to a person engaged in the business of 7788
horticulture or producing livestock of materials to be 7789
incorporated into a horticulture structure or livestock 7790
structure; 7791

(37) Sales of personal computers, computer monitors, 7792
computer keyboards, modems, and other peripheral computer 7793
equipment to an individual who is licensed or certified to teach 7794
in an elementary or a secondary school in this state for use by 7795
that individual in preparation for teaching elementary or 7796
secondary school students; 7797

(38) Sales of tangible personal property that is not 7798
required to be registered or licensed under the laws of this 7799
state to a citizen of a foreign nation that is not a citizen of 7800
the United States, provided the property is delivered to a 7801
person in this state that is not a related member of the 7802
purchaser, is physically present in this state for the sole 7803
purpose of temporary storage and package consolidation, and is 7804
subsequently delivered to the purchaser at a delivery address in 7805
a foreign nation. As used in division (B)(38) of this section, 7806
"related member" has the same meaning as in section 5733.042 of 7807
the Revised Code, and "temporary storage" means the storage of 7808
tangible personal property for a period of not more than sixty 7809
days. 7810

(39) Sales of used manufactured homes and used mobile 7811
homes, as defined in section 5739.0210 of the Revised Code, made 7812
on or after January 1, 2000; 7813

(40) Sales of tangible personal property and services to a 7814
provider of electricity used or consumed directly and primarily 7815
in generating, transmitting, or distributing electricity for use 7816
by others, including property that is or is to be incorporated 7817

into and will become a part of the consumer's production, 7818
transmission, or distribution system and that retains its 7819
classification as tangible personal property after 7820
incorporation; fuel or power used in the production, 7821
transmission, or distribution of electricity; energy conversion 7822
equipment as defined in section 5727.01 of the Revised Code; and 7823
tangible personal property and services used in the repair and 7824
maintenance of the production, transmission, or distribution 7825
system, including only those motor vehicles as are specially 7826
designed and equipped for such use. The exemption provided in 7827
this division shall be in lieu of all other exemptions in 7828
division (B) (42) (a) or (n) of this section to which a provider 7829
of electricity may otherwise be entitled based on the use of the 7830
tangible personal property or service purchased in generating, 7831
transmitting, or distributing electricity. 7832

(41) Sales to a person providing services under division 7833
(B) (3) (p) of section 5739.01 of the Revised Code of tangible 7834
personal property and services used directly and primarily in 7835
providing taxable services under that section. 7836

(42) Sales where the purpose of the purchaser is to do any 7837
of the following: 7838

(a) To incorporate the thing transferred as a material or 7839
a part into tangible personal property to be produced for sale 7840
by manufacturing, assembling, processing, or refining; or to use 7841
or consume the thing transferred directly in producing tangible 7842
personal property for sale by mining, including, without 7843
limitation, the extraction from the earth of all substances that 7844
are classed geologically as minerals, or directly in the 7845
rendition of a public utility service, except that the sales tax 7846
levied by this section shall be collected upon all meals, 7847

drinks, and food for human consumption sold when transporting 7848
persons. This paragraph does not exempt from "retail sale" or 7849
"sales at retail" the sale of tangible personal property that is 7850
to be incorporated into a structure or improvement to real 7851
property. 7852

(b) To hold the thing transferred as security for the 7853
performance of an obligation of the vendor; 7854

(c) To resell, hold, use, or consume the thing transferred 7855
as evidence of a contract of insurance; 7856

(d) To use or consume the thing directly in commercial 7857
fishing; 7858

(e) To incorporate the thing transferred as a material or 7859
a part into, or to use or consume the thing transferred directly 7860
in the production of, magazines distributed as controlled 7861
circulation publications; 7862

(f) To use or consume the thing transferred in the 7863
production and preparation in suitable condition for market and 7864
sale of printed, imprinted, overprinted, lithographic, 7865
multilithic, blueprinted, photostatic, or other productions or 7866
reproductions of written or graphic matter; 7867

(g) To use the thing transferred, as described in section 7868
5739.011 of the Revised Code, primarily in a manufacturing 7869
operation to produce tangible personal property for sale; 7870

(h) To use the benefit of a warranty, maintenance or 7871
service contract, or similar agreement, as described in division 7872
(B) (7) of section 5739.01 of the Revised Code, to repair or 7873
maintain tangible personal property, if all of the property that 7874
is the subject of the warranty, contract, or agreement would not 7875
be subject to the tax imposed by this section; 7876

- (i) To use the thing transferred as qualified research and development equipment; 7877
7878
- (j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased 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. 7879
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- (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; 7892
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- (l) To use or consume the thing transferred in the production of a newspaper for distribution to the public; 7899
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- (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; 7901
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(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 services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced;

(q) To use or consume the thing transferred directly in production of crude oil and natural gas for sale. Persons engaged in rendering production services for others are deemed engaged in production.

As used in division (B) (42) (q) of this section, "production" means operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain hydrocarbon resources, prepare the wellbore for production, and lift and control all substances yielded by the reservoir to the surface of the earth.

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| (i) For the purposes of division (B) (42) (q) of this | 7935 |
| section, the "thing transferred" includes, but is not limited | 7936 |
| to, any of the following: | 7937 |
| (I) Services provided in the construction of permanent | 7938 |
| access roads, services provided in the construction of the well | 7939 |
| site, and services provided in the construction of temporary | 7940 |
| impoundments; | 7941 |
| (II) Equipment and rigging used for the specific purpose | 7942 |
| of creating with integrity a wellbore pathway to underground | 7943 |
| reservoirs; | 7944 |
| (III) Drilling and workover services used to work within a | 7945 |
| subsurface wellbore, and tangible personal property directly | 7946 |
| used in providing such services; | 7947 |
| (IV) Casing, tubulars, and float and centralizing | 7948 |
| equipment; | 7949 |
| (V) Trailers to which production equipment is attached; | 7950 |
| (VI) Well completion services, including cementing of | 7951 |
| casing, and tangible personal property directly used in | 7952 |
| providing such services; | 7953 |
| (VII) Wireline evaluation, mud logging, and perforation | 7954 |
| services, and tangible personal property directly used in | 7955 |
| providing such services; | 7956 |
| (VIII) Reservoir stimulation, hydraulic fracturing, and | 7957 |
| acidizing services, and tangible personal property directly used | 7958 |
| in providing such services, including all material pumped | 7959 |
| downhole; | 7960 |
| (IX) Pressure pumping equipment; | 7961 |

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| (X) Artificial lift systems equipment; | 7962 |
| (XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water; | 7963
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7965 |
| (XII) Tangible personal property directly used to control production equipment. | 7966
7967 |
| (ii) For the purposes of division (B) (42) (q) of this section, the "thing transferred" does not include any of the following: | 7968
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| (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; | 7971
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| (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; | 7974
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| (III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks; | 7977
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| (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; | 7980
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| (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; | 7984
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| (VI) Tangible personal property that is to be incorporated into a structure or improvement to real property; | 7988
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| (VII) Well site fencing, lighting, or security systems; | 7990 |
| (VIII) Communication devices or services; | 7991 |
| (IX) Office supplies; | 7992 |
| (X) Trailers used as offices or lodging; | 7993 |
| (XI) Motor vehicles of any kind; | 7994 |
| (XII) Tangible personal property used primarily for the
storage of drilling byproducts and fuel not used for production; | 7995
7996 |
| (XIII) Tangible personal property used primarily as a
safety device; | 7997
7998 |
| (XIV) Data collection or monitoring devices; | 7999 |
| (XV) Access ladders, stairs, or platforms attached to
storage tanks. | 8000
8001 |
| 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. | 8002
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| 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. | 8007
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8010 |
| 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. | 8011
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| (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 | 8014
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or wax, to the consumer for the consumer's use on the premises 8017
in washing, cleaning, or waxing a motor vehicle, provided no 8018
other personal property or personal service is provided as part 8019
of the transaction. 8020

(44) Sales of replacement and modification parts for 8021
engines, airframes, instruments, and interiors in, and paint 8022
for, aircraft used primarily in a fractional aircraft ownership 8023
program, and sales of services for the repair, modification, and 8024
maintenance of such aircraft, and machinery, equipment, and 8025
supplies primarily used to provide those services. 8026

(45) Sales of telecommunications service that is used 8027
directly and primarily to perform the functions of a call 8028
center. As used in this division, "call center" means any 8029
physical location where telephone calls are placed or received 8030
in high volume for the purpose of making sales, marketing, 8031
customer service, technical support, or other specialized 8032
business activity, and that employs at least fifty individuals 8033
that engage in call center activities on a full-time basis, or 8034
sufficient individuals to fill fifty full-time equivalent 8035
positions. 8036

(46) Sales by a telecommunications service vendor of 900 8037
service to a subscriber. This division does not apply to 8038
information services. 8039

(47) Sales of value-added non-voice data service. This 8040
division does not apply to any similar service that is not 8041
otherwise a telecommunications service. 8042

(48) Sales of feminine hygiene products. 8043

(49) Sales of materials, parts, equipment, or engines used 8044
in the repair or maintenance of aircraft or avionics systems of 8045

such aircraft, and sales of repair, remodeling, replacement, or 8046
maintenance services in this state performed on aircraft or on 8047
an aircraft's avionics, engine, or component materials or parts. 8048
As used in division (B) (49) of this section, "aircraft" means 8049
aircraft of more than six thousand pounds maximum certified 8050
takeoff weight or used exclusively in general aviation. 8051

(50) Sales of full flight simulators that are used for 8052
pilot or flight-crew training, sales of repair or replacement 8053
parts or components, and sales of repair or maintenance services 8054
for such full flight simulators. "Full flight simulator" means a 8055
replica of a specific type, or make, model, and series of 8056
aircraft cockpit. It includes the assemblage of equipment and 8057
computer programs necessary to represent aircraft operations in 8058
ground and flight conditions, a visual system providing an out- 8059
of-the-cockpit view, and a system that provides cues at least 8060
equivalent to those of a three-degree-of-freedom motion system, 8061
and has the full range of capabilities of the systems installed 8062
in the device as described in appendices A and B of part 60 of 8063
chapter 1 of title 14 of the Code of Federal Regulations. 8064

(51) Any transfer or lease of tangible personal property 8065
between the state and JobsOhio in accordance with section 8066
4313.02 of the Revised Code. 8067

(52) (a) Sales to a qualifying corporation. 8068

(b) As used in division (B) (52) of this section: 8069

(i) "Qualifying corporation" means a nonprofit corporation 8070
organized in this state that leases from an eligible county 8071
land, buildings, structures, fixtures, and improvements to the 8072
land that are part of or used in a public recreational facility 8073
used by a major league professional athletic team or a class A 8074

to class AAA minor league affiliate of a major league 8075
professional athletic team for a significant portion of the 8076
team's home schedule, provided the following apply: 8077

(I) The facility is leased from the eligible county 8078
pursuant to a lease that requires substantially all of the 8079
revenue from the operation of the business or activity conducted 8080
by the nonprofit corporation at the facility in excess of 8081
operating costs, capital expenditures, and reserves to be paid 8082
to the eligible county at least once per calendar year. 8083

(II) Upon dissolution and liquidation of the nonprofit 8084
corporation, all of its net assets are distributable to the 8085
board of commissioners of the eligible county from which the 8086
corporation leases the facility. 8087

(ii) "Eligible county" has the same meaning as in section 8088
307.695 of the Revised Code. 8089

(53) Sales to or by a cable service provider, video 8090
service provider, or radio or television broadcast station 8091
regulated by the federal government of cable service or 8092
programming, video service or programming, audio service or 8093
programming, or electronically transferred digital audiovisual 8094
or audio work. As used in division (B) (53) of this section, 8095
"cable service" and "cable service provider" have the same 8096
meanings as in section 1332.01 of the Revised Code, and "video 8097
service," "video service provider," and "video programming" have 8098
the same meanings as in section 1332.21 of the Revised Code. 8099

(54) Sales of a digital audio work electronically 8100
transferred for delivery through use of a machine, such as a 8101
juke box, that does all of the following: 8102

(a) Accepts direct payments to operate; 8103

(b) Automatically plays a selected digital audio work for 8104
a single play upon receipt of a payment described in division 8105
(B) (54) (a) of this section; 8106

(c) Operates exclusively for the purpose of playing 8107
digital audio works in a commercial establishment. 8108

(55) (a) Sales of the following occurring on the first 8109
Friday of August and the following Saturday and Sunday of each 8110
year, beginning in 2018: 8111

(i) An item of clothing, the price of which is seventy- 8112
five dollars or less; 8113

(ii) An item of school supplies, the price of which is 8114
twenty dollars or less; 8115

(iii) An item of school instructional material, the price 8116
of which is twenty dollars or less. 8117

(b) As used in division (B) (55) of this section: 8118

(i) "Clothing" means all human wearing apparel suitable 8119
for general use. "Clothing" includes, but is not limited to, 8120
aprons, household and shop; athletic supporters; baby receiving 8121
blankets; bathing suits and caps; beach capes and coats; belts 8122
and suspenders; boots; coats and jackets; costumes; diapers, 8123
children and adult, including disposable diapers; earmuffs; 8124
footlets; formal wear; garters and garter belts; girdles; gloves 8125
and mittens for general use; hats and caps; hosiery; insoles for 8126
shoes; lab coats; neckties; overshoes; pantyhose; rainwear; 8127
rubber pants; sandals; scarves; shoes and shoe laces; slippers; 8128
sneakers; socks and stockings; steel-toed shoes; underwear; 8129
uniforms, athletic and nonathletic; and wedding apparel. 8130
"Clothing" does not include items purchased for use in a trade 8131
or business; clothing accessories or equipment; protective 8132

equipment; sports or recreational equipment; belt buckles sold 8133
separately; costume masks sold separately; patches and emblems 8134
sold separately; sewing equipment and supplies including, but 8135
not limited to, knitting needles, patterns, pins, scissors, 8136
sewing machines, sewing needles, tape measures, and thimbles; 8137
and sewing materials that become part of "clothing" including, 8138
but not limited to, buttons, fabric, lace, thread, yarn, and 8139
zippers. 8140

(ii) "School supplies" means items commonly used by a 8141
student in a course of study. "School supplies" includes only 8142
the following items: binders; book bags; calculators; cellophane 8143
tape; blackboard chalk; compasses; composition books; crayons; 8144
erasers; folders, expandable, pocket, plastic, and manila; glue, 8145
paste, and paste sticks; highlighters; index cards; index card 8146
boxes; legal pads; lunch boxes; markers; notebooks; paper, 8147
loose-leaf ruled notebook paper, copy paper, graph paper, 8148
tracing paper, manila paper, colored paper, poster board, and 8149
construction paper; pencil boxes and other school supply boxes; 8150
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 8151
and writing tablets. "School supplies" does not include any item 8152
purchased for use in a trade or business. 8153

(iii) "School instructional material" means written 8154
material commonly used by a student in a course of study as a 8155
reference and to learn the subject being taught. "School 8156
instructional material" includes only the following items: 8157
reference books, reference maps and globes, textbooks, and 8158
workbooks. "School instructional material" does not include any 8159
material purchased for use in a trade or business. 8160

(56) (a) Sales of diapers or incontinence underpads sold 8161
pursuant to a prescription, for the benefit of a medicaid 8162

recipient with a diagnosis of incontinence, and by a medicaid 8163
provider that maintains a valid provider agreement under section 8164
5164.30 of the Revised Code with the department of medicaid, 8165
provided that the medicaid program covers diapers or 8166
incontinence underpads as an incontinence garment. 8167

(b) As used in division (B) (56) (a) of this section: 8168

(i) "Diaper" means an absorbent garment worn by humans who 8169
are incapable of, or have difficulty, controlling their bladder 8170
or bowel movements. 8171

(ii) "Incontinence underpad" means an absorbent product, 8172
not worn on the body, designed to protect furniture or other 8173
tangible personal property from soiling or damage due to human 8174
incontinence. 8175

(57) Sales of investment metal bullion and investment 8176
coins. "Investment metal bullion" means any bullion described in 8177
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 8178
whether that bullion is in the physical possession of a trustee. 8179
"Investment coin" means any coin composed primarily of gold, 8180
silver, platinum, or palladium. 8181

(58) Sales of tangible personal property used primarily 8182
for any of the following purposes by a megaproject operator at 8183
the site of a megaproject that satisfies the criteria described 8184
in division (A) (11) (a) (ii) of section 122.17 of the Revised 8185
Code, provided that the sale occurs during the period that the 8186
megaproject operator has an agreement for such megaproject with 8187
the tax credit authority under division (D) of section 122.17 of 8188
the Revised Code that remains in effect and has not expired or 8189
been terminated: 8190

(a) To store, transmit, convey, distribute, recycle, 8191

circulate, or clean water, steam, or other gases used in or 8192
produced as a result of manufacturing activity, including items 8193
that support or aid in the operation of such property; 8194

(b) To clean or prepare inventory, at any stage of storage 8195
or production, or equipment used in a manufacturing activity, 8196
including chemicals, solvents, catalysts, soaps, and other items 8197
that support or aid in the operation of property; 8198

(c) To regulate, treat, filter, condition, improve, clean, 8199
maintain, or monitor environmental conditions within areas where 8200
manufacturing activities take place; 8201

(d) To handle, transport, or convey inventory during 8202
production or manufacturing. 8203

(59) Documentary services charges imposed pursuant to 8204
section 4517.261 or 4781.24 of the Revised Code. 8205

(C) For the purpose of the proper administration of this 8206
chapter, and to prevent the evasion of the tax, it is presumed 8207
that all sales made in this state are subject to the tax until 8208
the contrary is established. 8209

(D) The tax collected by the vendor from the consumer 8210
under this chapter is not part of the price, but is a tax 8211
collection for the benefit of the state, and of counties levying 8212
an additional sales tax pursuant to section 5739.021 or 5739.026 8213
of the Revised Code and of transit authorities levying an 8214
additional sales tax pursuant to section 5739.023 of the Revised 8215
Code. Except for the discount authorized under section 5739.12 8216
of the Revised Code and the effects of any rounding pursuant to 8217
section 5703.055 of the Revised Code, no person other than the 8218
state or such a county or transit authority shall derive any 8219
benefit from the collection or payment of the tax levied by this 8220

section or section 5739.021, 5739.023, or 5739.026 of the 8221
Revised Code. 8222

Sec. 5815.36. (A) As used in this section: 8223

(1) "Disclaimant" means any person, any guardian or 8224
personal representative of a person or estate of a person, or 8225
any attorney-in-fact or agent of a person having a general or 8226
specific authority to act granted in a written instrument, who 8227
is any of the following: 8228

(a) With respect to testamentary instruments and intestate 8229
succession, an heir, next of kin, devisee, legatee, donee, 8230
person succeeding to a disclaimed interest, surviving joint 8231
tenant, surviving tenant by the entirety, surviving tenant of 8232
a tenancy with a right of survivorship, beneficiary under a 8233
testamentary instrument, or person designated to take pursuant 8234
to a power of appointment exercised by a testamentary 8235
instrument; 8236

(b) With respect to nontestamentary instruments, a 8237
grantee, donee, person succeeding to a disclaimed interest, 8238
surviving joint tenant, surviving tenant by the entirety, 8239
surviving tenant of a tenancy with a right of survivorship, 8240
beneficiary under a nontestamentary instrument, or person 8241
designated to take pursuant to a power of appointment exercised 8242
by a nontestamentary instrument; 8243

(c) With respect to fiduciary rights, privileges, powers, 8244
and immunities, a fiduciary under a testamentary or 8245
nontestamentary instrument. Division (A)(1)(c) of this section 8246
does not authorize a fiduciary who disclaims fiduciary rights, 8247
privileges, powers, and immunities to cause the rights of any 8248
beneficiary to be disclaimed unless the instrument creating the 8249

fiduciary relationship authorizes the fiduciary to make such a disclaimer. 8250
8251

(d) Any person entitled to take an interest in property 8252
upon the death of a person or upon the occurrence of any other 8253
event. 8254

(2) "Personal representative" includes any fiduciary as 8255
defined in section 2109.01 of the Revised Code and any executor, 8256
trustee, guardian, or other person or entity having a fiduciary 8257
relationship with regard to any interest in property passing to 8258
the fiduciary, executor, trustee, guardian, or other person or 8259
entity by reason of a disclaimant's death. 8260

(3) "Property" means all forms of property, real and 8261
personal, tangible and intangible. 8262

(B) (1) A disclaimant, other than a fiduciary under an 8263
instrument who is not authorized by the instrument to disclaim 8264
the interest of a beneficiary, may disclaim, in whole or in 8265
part, the succession to any property by executing and by 8266
delivering, filing, or recording a written disclaimer instrument 8267
in the manner provided in this section. 8268

(2) A disclaimant who is a fiduciary under an instrument 8269
may disclaim, in whole or in part, any right, power, privilege, 8270
or immunity, by executing and by delivering, filing, or 8271
recording a written disclaimer instrument in the manner provided 8272
in this section. 8273

(3) The written instrument of disclaimer shall be signed 8274
and acknowledged by the disclaimant and shall contain all of the 8275
following: 8276

(a) A reference to the donative instrument; 8277

(b) A description of the property, part of property, or 8278
interest disclaimed, and of any fiduciary right, power, 8279
privilege, or immunity disclaimed; 8280

(c) A declaration of the disclaimer and its extent. 8281

(4) The guardian of the estate of a minor or an 8282
incompetent, or the personal representative of a deceased 8283
person, whether or not authorized by the instrument to disclaim, 8284
with the consent of the probate division of the court of common 8285
pleas may disclaim, in whole or in part, the succession to any 8286
property, or interest in property, that the ward, if an adult 8287
and competent, or the deceased, if living, might have 8288
disclaimed. The guardian or personal representative, or any 8289
interested person may file an application with the probate 8290
division of the court of common pleas that has jurisdiction of 8291
the estate, asking that the court order the guardian or personal 8292
representative to execute and deliver, file, or record the 8293
disclaimer on behalf of the ward, estate, or deceased person. 8294
The court shall order the guardian or personal representative to 8295
execute and deliver, file, or record the disclaimer if the court 8296
finds, upon hearing after notice to interested parties and such 8297
other persons as the court shall direct, that: 8298

(a) It is in the best interests of those interested in the 8299
estate of the person and of those who will take the disclaimed 8300
interest; 8301

(b) It would not materially, adversely affect the minor or 8302
incompetent, or the beneficiaries of the estate of the decedent, 8303
taking into consideration other available resources and the age, 8304
probable life expectancy, physical and mental condition, and 8305
present and reasonably anticipated future needs of the minor or 8306
incompetent or the beneficiaries of the estate of the decedent. 8307

A written instrument of disclaimer ordered by the court 8308
under this division shall be executed and be delivered, filed, 8309
or recorded within the time and in the manner in which the 8310
person could have disclaimed if the person were living, an 8311
adult, and competent. 8312

(C) A partial disclaimer of property that is subject to a 8313
burdensome interest created by the donative instrument is not 8314
effective unless the disclaimed property constitutes a gift that 8315
is separate and distinct from undisclaimed gifts. 8316

(D) The disclaimant shall deliver, file, or record the 8317
disclaimer, or cause the same to be done, prior to accepting any 8318
benefits of the disclaimed interest and at any time after the 8319
latest of the following dates: 8320

(1) The effective date of the donative instrument if both 8321
the taker and the taker's interest in the property are finally 8322
ascertained on that date; 8323

(2) The date of the occurrence of the event upon which 8324
both the taker and the taker's interest in the property become 8325
finally ascertainable; 8326

(3) The date on which the disclaimant attains eighteen 8327
years of age or is no longer an incompetent, without tendering 8328
or repaying any benefit received while the disclaimant was under 8329
eighteen years of age or an incompetent, and even if a guardian 8330
of a minor or incompetent had filed an application pursuant to 8331
division (B) (4) of this section and the probate division of the 8332
court of common pleas involved did not consent to the guardian 8333
executing a disclaimer. 8334

(E) No disclaimer instrument is effective under this 8335
section if either of the following applies under the terms of 8336

the disclaimer instrument: 8337

(1) The disclaimant has power to revoke the disclaimer. 8338

(2) The disclaimant may transfer, or direct to be 8339
transferred, to self the entire legal and equitable ownership of 8340
the property subject to the disclaimer instrument. 8341

(F) (1) Subject to division (F) (2) of this section, if the 8342
interest disclaimed is created by a nontestamentary instrument, 8343
including, but not limited to, a transfer on death designation 8344
affidavit pursuant to section 5302.22 of the Revised Code, the 8345
disclaimer instrument shall be delivered personally or by 8346
certified mail to the trustee or other person who has legal 8347
title to, or possession of, the property disclaimed. If the 8348
interest disclaimed is created by a transfer on death 8349
designation affidavit pursuant to section 5302.22 of the Revised 8350
Code, the disclaimer instrument shall be filed with the county 8351
recorder of the county in which the real property that is the 8352
subject of that affidavit is located. 8353

(2) If the interest disclaimed is created by a 8354
testamentary instrument, by intestate succession, or by a 8355
certificate of title to a ~~motor vehicle, watercraft, or outboard~~ 8356
~~motor~~ titled mode of transportation, as defined in section 8357
2131.12 of the Revised Code, that evidences ownership of the 8358
~~motor vehicle, watercraft, or outboard motor~~ titled mode of 8359
transportation that is transferable on death pursuant to section 8360
2131.13 of the Revised Code, the disclaimer instrument shall be 8361
filed in the probate division of the court of common pleas in 8362
the county in which proceedings for the administration of the 8363
decedent's estate have been commenced, and an executed copy of 8364
the disclaimer instrument shall be delivered personally or by 8365
certified mail to the personal representative of the decedent's 8366

estate. 8367

(3) If no proceedings for the administration of the 8368
decedent's estate have been commenced, the disclaimer instrument 8369
shall be filed in the probate division of the court of common 8370
pleas in the county in which proceedings for the administration 8371
of the decedent's estate might be commenced according to law. 8372
The disclaimer instrument shall be filed and indexed, and fees 8373
charged, in the same manner as provided by law for an 8374
application to be appointed as personal representative to 8375
administer the decedent's estate. The disclaimer is effective 8376
whether or not proceedings thereafter are commenced to 8377
administer the decedent's estate. If proceedings thereafter are 8378
commenced for the administration of the decedent's estate, they 8379
shall be filed under, or consolidated with, the case number 8380
assigned to the disclaimer instrument. 8381

(4) If an interest in real estate is disclaimed, an 8382
executed copy of the disclaimer instrument also shall be 8383
recorded in the office of the recorder of the county in which 8384
the real estate is located. The disclaimer instrument shall 8385
include a description of the real estate with sufficient 8386
certainty to identify it, and shall contain a reference to the 8387
record of the instrument that created the interest disclaimed. 8388
If title to the real estate is registered under Chapters 5309. 8389
and 5310. of the Revised Code, the disclaimer interest shall be 8390
entered as a memorial on the last certificate of title. A spouse 8391
of a disclaimant has no dower or other interest in the real 8392
estate disclaimed. 8393

(G) If a donative instrument expressly provides for the 8394
distribution of property, part of property, or interest in 8395
property if there is a disclaimer, the property, part of 8396

property, or interest disclaimed shall be distributed or 8397
disposed of, and accelerated or not accelerated, in accordance 8398
with the donative instrument. In the absence of express 8399
provisions to the contrary in the donative instrument, the 8400
property, part of property, or interest in property disclaimed, 8401
and any future interest that is to take effect in possession or 8402
enjoyment at or after the termination of the interest 8403
disclaimed, shall descend, be distributed, or otherwise be 8404
disposed of, and shall be accelerated, in the following manner: 8405

(1) If intestate or testate succession is disclaimed, as 8406
if the disclaimant had predeceased the decedent; 8407

(2) If the disclaimant is one designated to take pursuant 8408
to a power of appointment exercised by a testamentary 8409
instrument, as if the disclaimant had predeceased the donee of 8410
the power; 8411

(3) If the donative instrument is a nontestamentary 8412
instrument, as if the disclaimant had died before the effective 8413
date of the nontestamentary instrument; 8414

(4) If the disclaimer is of a fiduciary right, power, 8415
privilege, or immunity, as if the right, power, privilege, or 8416
immunity was never in the donative instrument. 8417

(H) A disclaimer pursuant to this section is effective as 8418
of, and relates back for all purposes to, the date upon which 8419
the taker and the taker's interest have been finally 8420
ascertained. 8421

(I) A disclaimant who has a present and future interest in 8422
property, and disclaims the disclaimant's present interest in 8423
whole or in part, is considered to have disclaimed the 8424
disclaimant's future interest to the same extent, unless a 8425

contrary intention appears in the disclaimer instrument or the 8426
donative instrument. A disclaimant is not precluded from 8427
receiving, as an alternative taker, a beneficial interest in the 8428
property disclaimed, unless a contrary intention appears in the 8429
disclaimer instrument or in the donative instrument. 8430

(J) The disclaimant's right to disclaim under this section 8431
is barred if the disclaimant does any of the following: 8432

(1) Assigns, conveys, encumbers, pledges, or transfers, or 8433
contracts to assign, convey, encumber, pledge, or transfer, the 8434
property or any interest in it; 8435

(2) Waives in writing the disclaimant's right to disclaim 8436
and executes and delivers, files, or records the waiver in the 8437
manner provided in this section for a disclaimer instrument; 8438

(3) Accepts the property or an interest in it; 8439

(4) Permits or suffers a sale or other disposition of the 8440
property pursuant to judicial action against the disclaimant. 8441

(K) Neither a fiduciary's application for appointment or 8442
assumption of duties as a fiduciary nor a beneficiary's 8443
application for appointment as a personal representative or 8444
fiduciary waives or bars the disclaimant's right to disclaim a 8445
right, power, privilege, or immunity as a personal 8446
representative or fiduciary or the beneficiary's right to 8447
disclaim property. 8448

(L) The right to disclaim under this section exists 8449
irrespective of any limitation on the interest of the 8450
disclaimant in the nature of a spendthrift provision or similar 8451
restriction. 8452

(M) A disclaimer instrument or written waiver of the right 8453

to disclaim that has been executed and delivered, filed, or 8454
recorded as required by this section is final and binding upon 8455
all persons. 8456

(N) (1) The right to disclaim and the procedures for 8457
disclaimer established by this section are in addition to, and 8458
do not exclude or abridge, any other rights or procedures that 8459
exist or formerly existed under any other section of the Revised 8460
Code or at common law to assign, convey, release, refuse to 8461
accept, renounce, waive, or disclaim property. 8462

(2) A disclaimer is not considered a transfer or 8463
conveyance by the disclaimant, and no creditor of a disclaimant 8464
may avoid a disclaimer. 8465

(3) This section shall take precedence over any other 8466
section of the Revised Code that conflicts with this section. 8467

(O) (1) No person is liable for distributing or disposing 8468
of property in a manner inconsistent with the terms of a valid 8469
disclaimer if the distribution or disposition is otherwise 8470
proper and the person has no actual knowledge of the disclaimer. 8471

(2) No person is liable for distributing or disposing of 8472
property in reliance upon the terms of a disclaimer that is 8473
invalid because the right of disclaimer has been waived or 8474
barred if the distribution or disposition is otherwise proper 8475
and the person has no actual knowledge of the facts that 8476
constitute a waiver or bar to the right to disclaim. 8477

(P) (1) A disclaimant may disclaim pursuant to this section 8478
any interest in property that is in existence on September 27, 8479
1976, if either the interest in the property or the taker of the 8480
interest in the property is not finally ascertained on that 8481
date. 8482

(2) No disclaimer executed pursuant to this section 8483
destroys or diminishes an interest in property that exists on 8484
September 27, 1976, in any person other than the disclaimant. 8485

(Q) This section may be applied separately to different 8486
interests or powers created in the disclaimant by the same 8487
testamentary or nontestamentary instrument. 8488

Section 2. That existing sections 1531.01, 1533.01, 8489
1533.103, 1533.18, 2131.12, 2131.13, 2744.01, 2911.21, 2921.331, 8490
2923.16, 4501.01, 4501.13, 4503.01, 4503.038, 4503.04, 4503.10, 8491
4503.191, 4503.312, 4504.01, 4505.01, 4505.06, 4505.09, 4505.11, 8492
4510.036, 4511.01, 4511.214, 4511.713, 4513.02, 4513.221, 8493
4513.263, 4517.01, 4519.01, 4519.02, 4519.03, 4519.031, 4519.04, 8494
4519.05, 4519.08, 4519.09, 4519.10, 4519.11, 4519.20, 4519.21, 8495
4519.22, 4519.401, 4519.41, 4519.42, 4519.43, 4519.44, 4519.45, 8496
4519.46, 4519.47, 4519.48, 4519.511, 4519.512, 4519.52, 8497
4519.521, 4519.53, 4519.54, 4519.55, 4519.551, 4519.56, 4519.57, 8498
4519.58, 4519.59, 4519.60, 4519.61, 4519.62, 4519.63, 4519.631, 8499
4519.64, 4519.65, 4519.66, 4519.67, 4519.68, 4519.69, 4519.70, 8500
5553.044, 5739.02, and 5815.36 of the Revised Code are hereby 8501
repealed. 8502

Section 3. That sections 4511.215, 4511.216, and 4519.40 8503
of the Revised Code are hereby repealed. 8504

Section 4. (A) Notwithstanding the change from "all- 8505
purpose vehicle" to "all-terrain vehicle" enacted by this act, 8506
the Registrar of Motor Vehicles may continue to issue license 8507
plates that display "all-purpose vehicle" or "APV" printed on 8508
them until the supply of license plates printed before the 8509
effective date of this section is depleted. 8510

(B) Any person that is newly issued or that currently 8511

operates a vehicle with a license plate printed with "all- 8512
purpose vehicle" or "APV" may continue to use that license plate 8513
until both of the following apply: 8514

(1) The Registrar's supply of the "all-purpose vehicle" 8515
and "APV" license plates is depleted in accordance with division 8516
(A) of this section; 8517

(2) The person's current license plate is lost, stolen, 8518
mutilated, or destroyed or the person otherwise is required or 8519
desires to replace the person's license plate. 8520

Section 5. Sections 1, 2, 3, and 4 of this act take effect 8521
six months after the effective date of this section. 8522

Section 6. The General Assembly, applying the principle 8523
stated in division (B) of section 1.52 of the Revised Code that 8524
amendments are to be harmonized if reasonably capable of 8525
simultaneous operation, finds that the following sections, 8526
presented in this act as composites of the sections as amended 8527
by the acts indicated, are the resulting versions of the 8528
sections in effect prior to the effective date of the sections 8529
as presented in this act: 8530

Section 4503.04 of the Revised Code as amended by both 8531
H.B. 74 and H.B. 281 of the 134th General Assembly. 8532