

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 297

Representative Hagan

Cosponsors: Representatives Becker, Dean, Riedel, Vitale, Goodman

A BILL

To amend section 2131.13 of the Revised Code to
allow owners of a motor vehicle, watercraft, or
outboard motor who have joint ownership with
right of survivorship to transfer title through
a transfer-on-death designation.

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

Section 1. That section 2131.13 of the Revised Code be
amended to read as follows:

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

(1) "Designate or designation in beneficiary form" means
to designate, or the designation of, a motor vehicle,
watercraft, or outboard motor in a certificate of title that
indicates the present owner of the motor vehicle, watercraft, or
outboard motor and the intention of the present owner with
respect to the transfer of ownership on the present owner's
death by designating one or more persons as the beneficiary or
beneficiaries who will become the owner or owners of the motor
vehicle, watercraft, or outboard motor upon the death of the
present owner.

(2) "Motor vehicle" has the same meaning as in section 19
4505.01 of the Revised Code. 20

(3) "Person" means an individual, a corporation, an 21
organization, or other legal entity. 22

(4) "Transfer-on-death beneficiary or beneficiaries" means 23
a person or persons specified in a certificate of title of a 24
motor vehicle, watercraft, or outboard motor who will become the 25
owner or owners of the motor vehicle, watercraft, or outboard 26
motor upon the death of the present owner of the motor vehicle, 27
watercraft, or outboard motor. 28

(5) "Watercraft" has the same meaning as in section 29
1548.01 of the Revised Code. 30

(6) "Owner" includes the plural as well as the singular, 31
as specified in section 1.43 of the Revised Code. 32

(7) "Joint ownership with right of survivorship" has the 33
same meaning as in section 2131.12 of the Revised Code. 34

(B) (1) An individual whose certificate of title of a motor 35
vehicle, watercraft, or outboard motor shows sole ownership by 36
that individual may make an application for a certificate of 37
title under section 1548.07 or 4505.06 of the Revised Code to 38
designate that motor vehicle, watercraft, or outboard motor in 39
beneficiary form pursuant to this section. 40

(2) Individuals whose certificate of title of a motor 41
vehicle, watercraft, or outboard motor shows joint ownership 42
with right of survivorship may jointly make an application for a 43
certificate of title under section 1548.07 or 4505.06 of the 44
Revised Code to designate that motor vehicle, watercraft, or 45
outboard motor in beneficiary form pursuant to this section. 46

(C) (1) A motor vehicle, watercraft, or outboard motor is 47
designated in beneficiary form if the certificate of title of 48
the motor vehicle, watercraft, or outboard motor includes the 49
name or names of the transfer-on-death beneficiary or 50
beneficiaries. 51

(2) The designation of a motor vehicle, watercraft, or 52
outboard motor in beneficiary form is not required to be 53
supported by consideration, and the certificate of title in 54
which the designation is made is not required to be delivered to 55
the transfer-on-death beneficiary or beneficiaries in order for 56
the designation in beneficiary form to be effective. 57

(D) The designation of a motor vehicle, watercraft, or 58
outboard motor in beneficiary form may be shown in the 59
certificate of title by the words "transfer-on-death" or the 60
abbreviation "TOD" after the name of the owner of a motor 61
vehicle, watercraft, or outboard motor and before the name or 62
names of the transfer-on-death beneficiary or beneficiaries. 63

(E) The designation of a transfer-on-death beneficiary or 64
beneficiaries on a certificate of title has no effect on the 65
ownership of a motor vehicle, watercraft, or outboard motor 66
until the death of the owner of the motor vehicle, watercraft, 67
or outboard motor. The owner of a motor vehicle, watercraft, or 68
outboard motor may cancel or change the designation of a 69
transfer-on-death beneficiary or beneficiaries on a certificate 70
of title at any time without the consent of the transfer-on- 71
death beneficiary or beneficiaries by making an application for 72
a certificate of title under section 1548.07 or 4505.06 of the 73
Revised Code. 74

(F) (1) Upon the death of the owner of a motor vehicle, 75
watercraft, or outboard motor designated in beneficiary form, 76

the ownership of the motor vehicle, watercraft, or outboard 77
motor shall pass to the transfer-on-death beneficiary or 78
beneficiaries who survive the owner upon transfer of title to 79
the motor vehicle, watercraft, or outboard motor in accordance 80
with section 1548.11 or 4505.10 of the Revised Code. The 81
transfer-on-death beneficiary or beneficiaries who survive the 82
owner may apply for a certificate of title to the motor vehicle, 83
watercraft, or outboard motor upon submitting proof of the death 84
of the owner of the motor vehicle, watercraft, or outboard 85
motor. 86

(2) If no transfer-on-death beneficiary or beneficiaries 87
survive the owner of a motor vehicle, watercraft, or outboard 88
motor, the motor vehicle, watercraft, or outboard motor shall be 89
included in the probate estate of the deceased owner. 90

(G) (1) Any transfer of a motor vehicle, watercraft, or 91
outboard motor to a transfer-on-death beneficiary or 92
beneficiaries that results from a designation of the motor 93
vehicle, watercraft, or outboard motor in beneficiary form is 94
not testamentary. 95

(2) This section does not limit the rights of any creditor 96
of the owner of a motor vehicle, watercraft, or outboard motor 97
against any transfer-on-death beneficiary or beneficiaries or 98
other transferees of the motor vehicle, watercraft, or outboard 99
motor under other laws of this state. 100

(H) (1) This section shall be known and may be cited as the 101
"Transfer-on-Death of Motor Vehicle, Watercraft, or Outboard 102
Motor Statute." 103

(2) Divisions (A) to (H) of this section shall be 104
liberally construed and applied to promote their underlying 105

purposes and policy. 106

(3) Unless displaced by particular provisions of divisions 107
(A) to (H) of this section, the principles of law and equity 108
supplement the provisions of those divisions. 109

Section 2. That existing section 2131.13 of the Revised 110
Code is hereby repealed. 111