



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Margaret E. Marcy

H.B. 297

132nd General Assembly
(As Introduced)

Reps. Hagan, Becker, Dean, Riedel, Vitale, Goodman

BILL SUMMARY

- Permits owners of a motor vehicle, watercraft, and outboard motor who have title through joint ownership with right of survivorship to transfer that title through a transfer-on-death designation.
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CONTENT AND OPERATION

Transfer-on-death designation

The bill permits owners of a motor vehicle, watercraft, and outboard motor who have title showing joint ownership with right of survivorship to that motor vehicle, watercraft, or outboard motor to transfer that title through a transfer-on-death designation.¹ Current law permits only an individual with sole ownership to transfer title to a motor vehicle, watercraft, or outboard motor through a transfer-on-death designation.²

A transfer-on-death designation is a mechanism to transfer title to property, both real property and certain forms of personal property, outside of the probate process after the owner of the property dies.³ For a motor vehicle, watercraft, or outboard motor, the designation is noted on the certificate of title to the motor vehicle, watercraft, or outboard motor.⁴ Specifically, the words "transfer-on-death" or the abbreviation

¹ R.C. 2131.13(B)(2).

² R.C. 2131.13(B)(1).

³ R.C. 2131.13(F).

⁴ R.C. 2131.13(C)(1).

"TOD" is placed after the name of the current owner and before the name or names of the transfer-on-death beneficiary or beneficiaries on the certificate of title.⁵ The designation of a transfer-on-death beneficiary or beneficiaries has no effect on the ownership of the motor vehicle, watercraft, or outboard motor until the owner dies, and the owner may change or cancel the designation at any time before his or her death.⁶

Joint ownership with right of survivorship

Current law, unchanged by the bill, permits two persons that wish to establish joint ownership with right of survivorship to a motor vehicle, watercraft, or outboard motor to make a joint application for the certificate of title. By having joint ownership with right of survivorship, if one of the owners dies, the deceased owner's interest to the motor vehicle, watercraft, or outboard motor passes to the other owner outside of the probate process.⁷ However, under current law, if both owners die in, for instance, a common accident, because the motor vehicle, watercraft, or outboard motor cannot have a transfer-on-death beneficiary, the title would likely need to transfer through the probate process.⁸

HISTORY

ACTION	DATE
Introduced	06-28-17

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⁵ R.C. 2131.13(D).

⁶ R.C. 2131.13(E).

⁷ R.C. 2131.12, not in the bill.

⁸ The motor vehicle, watercraft, or outboard motor could potentially be transferred outside of the probate process if it were a part of a trust or a similar nonprobate asset.

